

Enclosure 33

Individual's Basic Training Record

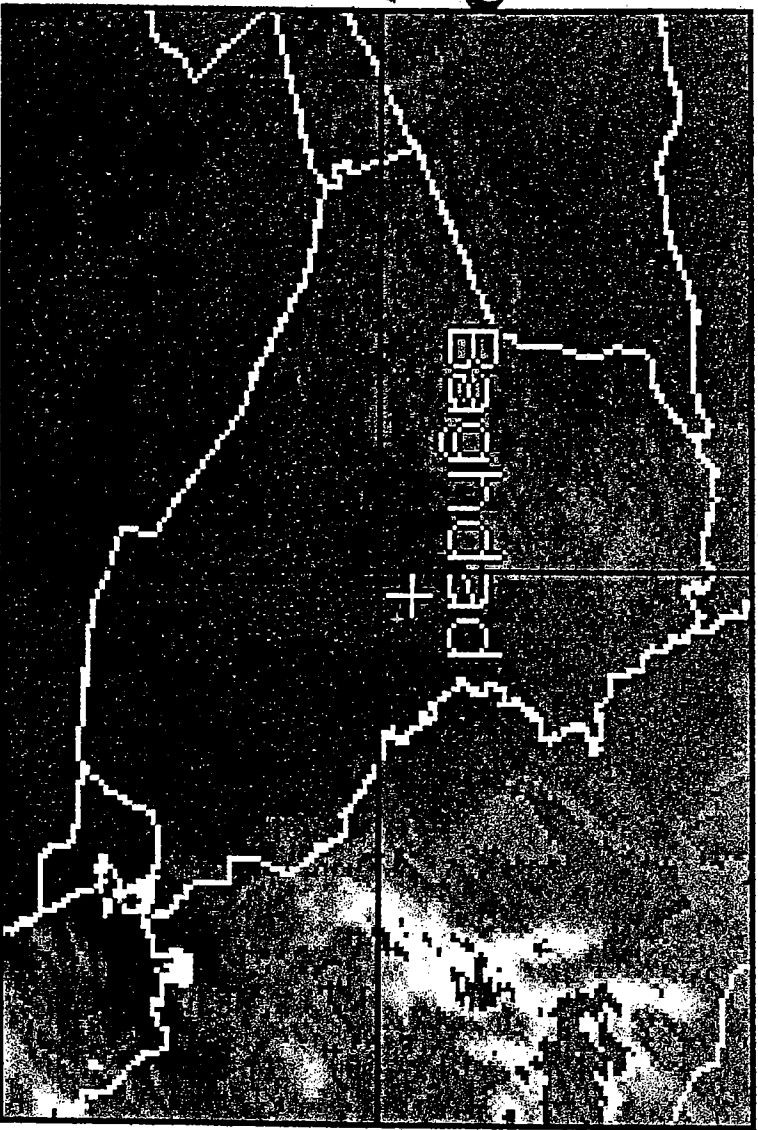
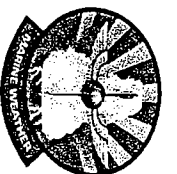
(1 page)

withheld under Privacy
Act/FOIA exemption 6



METOC Impacts and Astronomical Data

1st MARDIV MAIN CP: 14 APR 03



S Hours of Darkness: 9Hr 10Min

14 Apr 03

15 Apr 03

ENT: 1627

Total Darkness

Illum: 91%

Moon Rise: 1252

Sun Set: 1532

Moon Set: 0148

Sun Rise: 0233



BAGHDAD

Time Zone (Z)

Air (RW)

Air (FW)

Collections

Com

NBC Defense

Trafficability

Personnel

21-03

03-09

09-15

15-21

LW

LT

LT

LW

DAILY IMPACTS

LW LOW WINDS

LL LOW LIGHT

C CEILING

N NONE

R RAIN SHOWERS

N NONE

MODERATE

MODERATE

SIGNIFICANT

Max: 89F / 32C

Min: 58F / 14 C

Winds: NW - SW 6-8 KT

Night: VRRB 03-05 KT

Vsby: 4-6 SM HZ / FU

WX: NONE

Interview of Sergeant [REDACTED]
8 October 2003
Camp Pendleton, California

My name is [REDACTED]. I recently completed a tour in the Marine Corps, departing as a Sergeant. I left with an honorable discharge (my End of Active Service was on [REDACTED]). My date of birth is [REDACTED].

I enlisted in the Marine Corps in January 1998. Following bootcamp and the School of Infantry, I was assigned to 5th Force Reconnaissance Battalion in Okinawa, Japan. While I was there I participated in Landing Force Carat in 1999 and 2000, while deployed with the 31st Marine Expeditionary Unit (31st MEU). In November 2000 I received orders to 1st Force Reconnaissance Company at Camp Pendleton, California, where I was subsequently assigned to 5th Platoon. While assigned to 5th platoon I participated in a Western Pacific (WestPac) deployment with the 11th MEU (SOC) from June to December 2002, and then deployed to Kuwait and later Iraq in support of Operations Enduring Freedom and Iraqi Freedom, from January to May 2003.

Our platoon joined 3d Battalion, 4th Marines a few days before the shooting incident, and we spent a total of about ten days with the battalion in Baghdad.

On the night in question, we were briefed on the presence of friendly patrols. We were told our area of responsibility was the side of the building facing away from the river. We were told the ROE was hostile act. Hostile act was defined as pointing a weapon in the direction of the compound. We had no idea friendly patrols were entering our sector. We received no coordination as to the nature, location or mission of the patrol that night. We were co-located with the battalion command post (Bn CP). They were operating on the balcony just below us.

Viewing the enemy sniper position after the shot (what we learned was occupied by a Marine from the battalion), it was by the dome of what looked to be a mosque. There were sandbags stacked, right near the ledge, it appeared to be a fighting position. It was close to the wall of the building, and had overwatch of the alley.

We were using PVS-17B and PVS-17C to spot with. Those are the best optics for night vision in the Marines inventory at the time.

After the shot, looking at the body, I thought I was looking at a dead Iraqi. He appeared to be wearing a plaid shirt.

I was on the rooftop that evening, serving as an additional spotter. I did not personally witness the shooting, and only looked through the night vision devices after SSgt [REDACTED] took the shot. I was on a rest period on the couch, while SSgt [REDACTED] and SSgt [REDACTED] were up. I had lain down for about five to ten minutes. I heard SSgt [REDACTED] announce that he had a possible tango (terrorist/target). I heard him call SSgt [REDACTED] over to confirm it. [REDACTED] confirmed it. They elected to watch the target to see what he was up to. Then a firefight broke out towards the corner of the building. I rolled half up to see what was going on. SSgts [REDACTED] and [REDACTED] had moved to the corner of the building to observe. I was under the impression some Iraqis had crossed the river and were terrorizing each other, as had happened consistently the previous nights. Seeing I could do nothing, I rolled back over and tried to sleep again. The observed the area of the

firefight for what seemed 10-15 minutes. They then returned to see if the original sniper was still there. I was still lying down. I heard them both say that he was still there. They still observed him for awhile and confirmed with each other before taking the shot. After ten to fifteen minutes, during which time I heard SSgt [REDACTED] say he was not sure if he had hit him (the enemy sniper) but had seen no activity. There was activity on the level below us. I was up now and trying to see [REDACTED] shot. It became apparent that the battalion command post downstairs was dealing with a casualty report (casrep). We were kind of disturbed about the firefight we had heard because we were sure it was Iraqi. If we had known about the patrol, and I was in SSgt [REDACTED] place, I would have taken the shot sooner, to protect the patrol from the sniper. We all agreed and hoped that it was not the sniper that had given the patrol a casualty.

The thought crossed my mind that a ricochet may have injured the patrol but the location of the sniper was a couple of blocks distant from the sound of the gunfire, plus SSgt [REDACTED] was an excellent shot and I was certain that he had hit the sniper.

When word came that the casualty was on the roof, I started to worry. I grabbed the night vision again and looked again at the body. It appeared to be an Iraqi with nothing but civilian clothes on, no helmet, no armor, just a plaid shirt. I kept trying to imagine that the body was a Marine, but it didn't fit. He looked like an Iraqi. I was only certain he was friendly when I saw shadows on the roof of the wall coming to the roof of the mosque and recognized Kevlars on their heads. Then they came out onto the roof and had deuce gear on. I could tell they had flaks on as well through the PVS-17. When they came up, that is when I knew that SSgt [REDACTED] shot a friendly.

SSgt [REDACTED] was in disbelief and almost in a state of shock. I was angry at the patrol for going out and not telling the known sniper position on the roof that they were going in our area. I was angry at whoever put that kid up on the roof by himself, and I was angry at the kid for taking all of his gear off. I was angry because it could have been me behind the gun and I would have taken the shot. He looked like a lone Iraqi sniper.

Afterwards, SSgt [REDACTED] would not touch his gun and I had to carry it down for him.

I don't recall whether I made a written statement after the incident. I don't think I did, since I didn't actually witness the shooting.

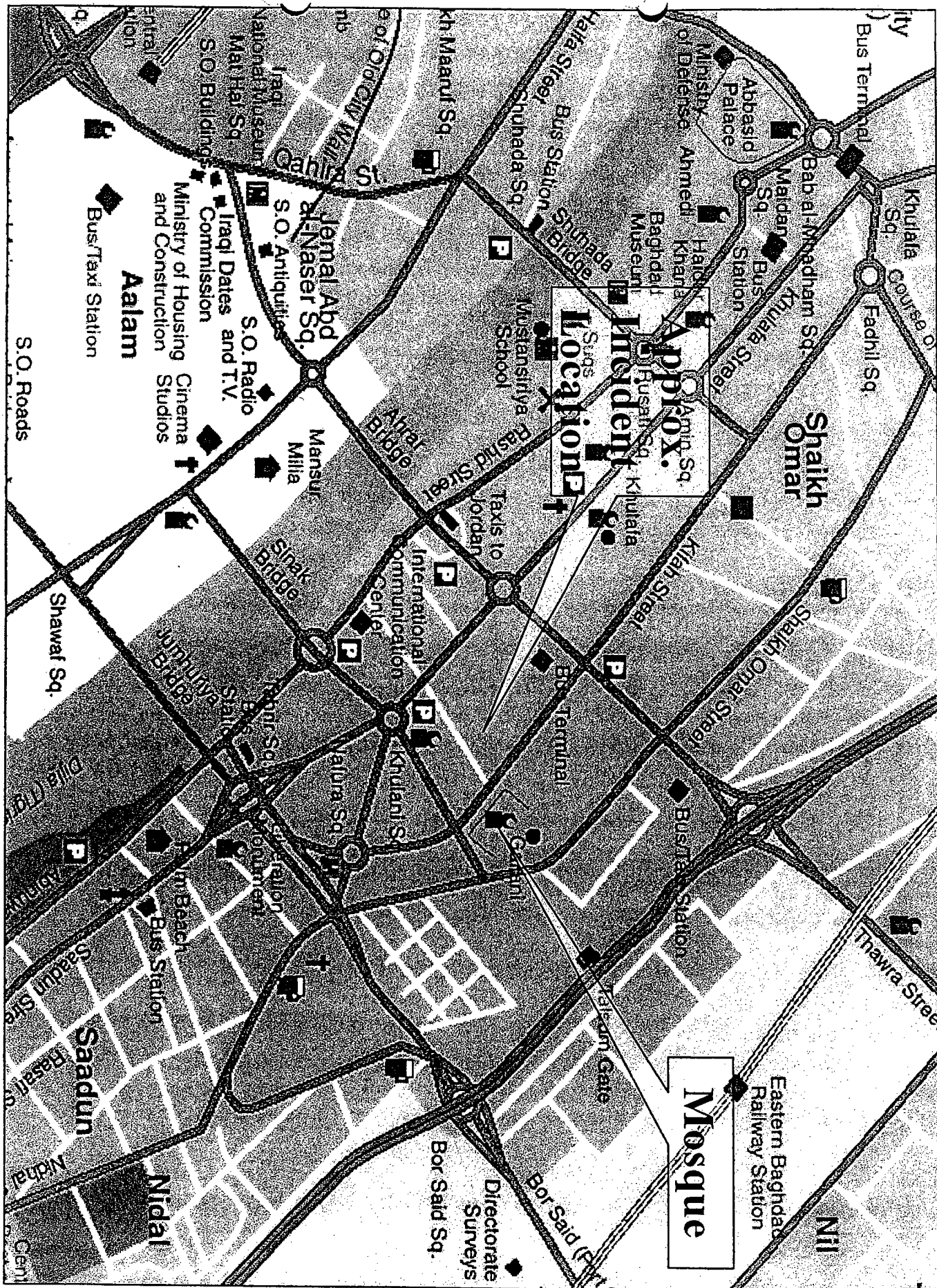
I, [REDACTED] certify that this statement, consisting of 2 pages is true and accurate to the best of my knowledge.

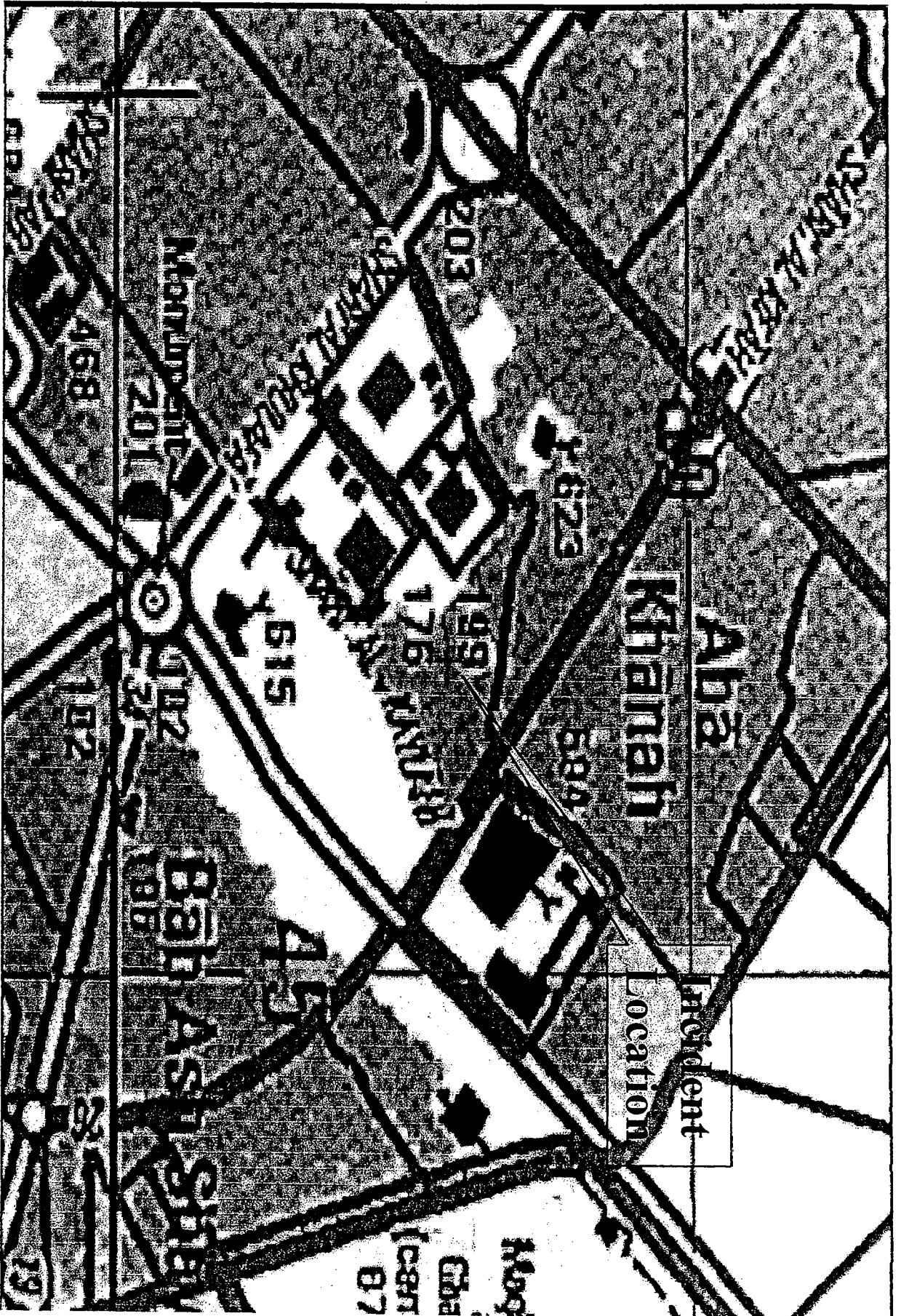
[REDACTED]

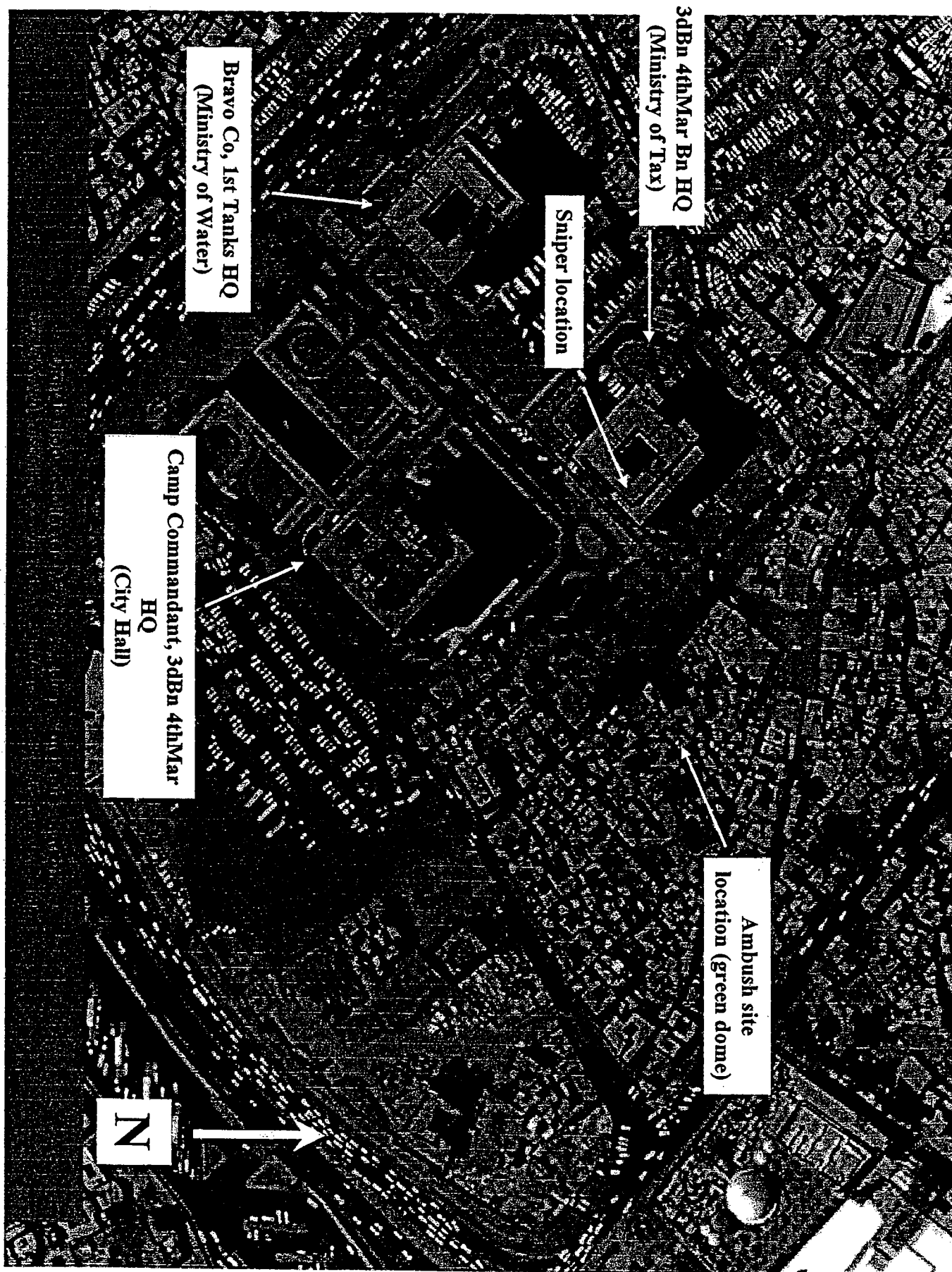
Sworn to before me this 8th day of October, 2003 at Marine Corps Base, Camp Pendleton, California.

[REDACTED]

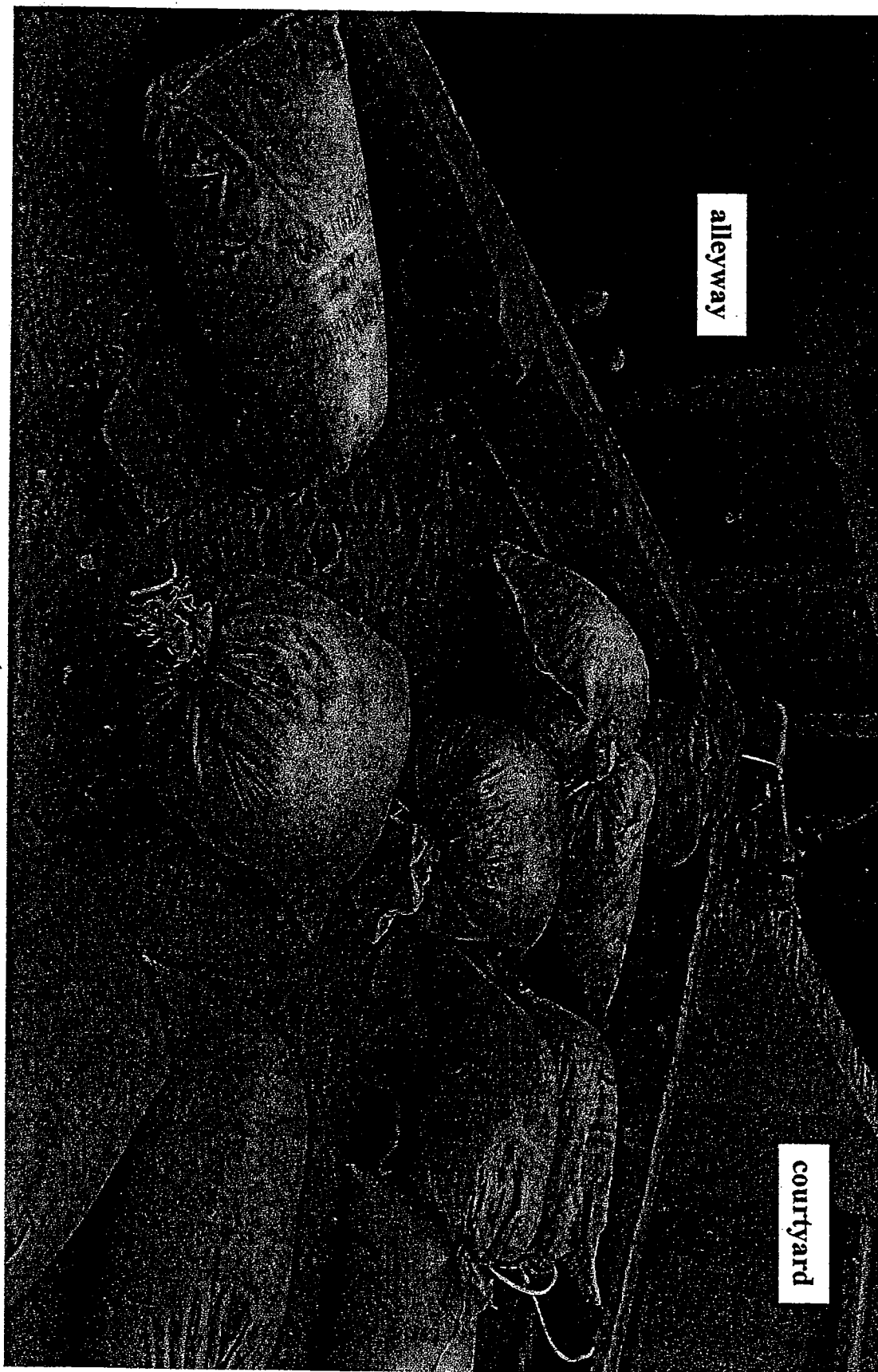
Major, USMC
Deputy Staff Judge Advocate



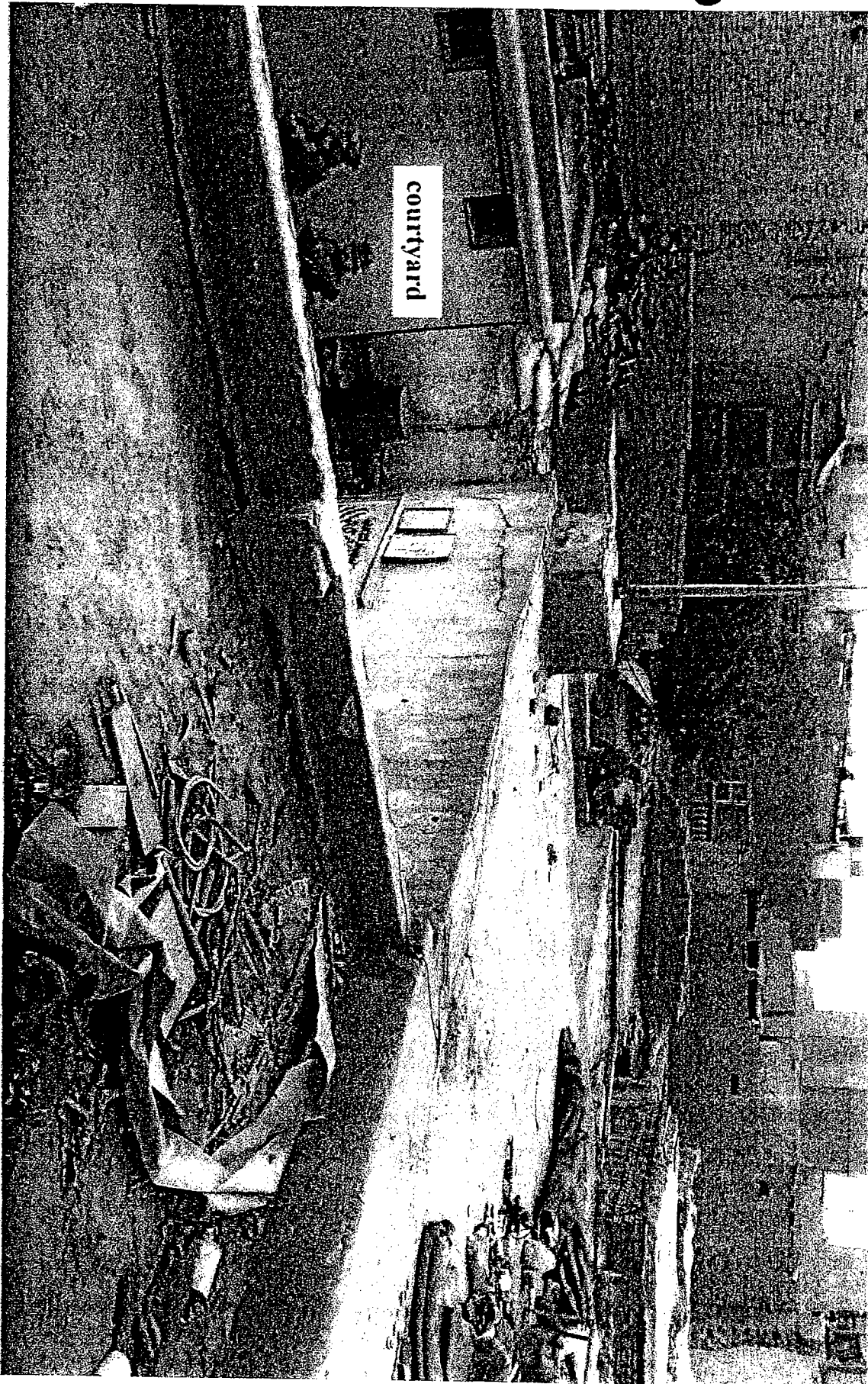




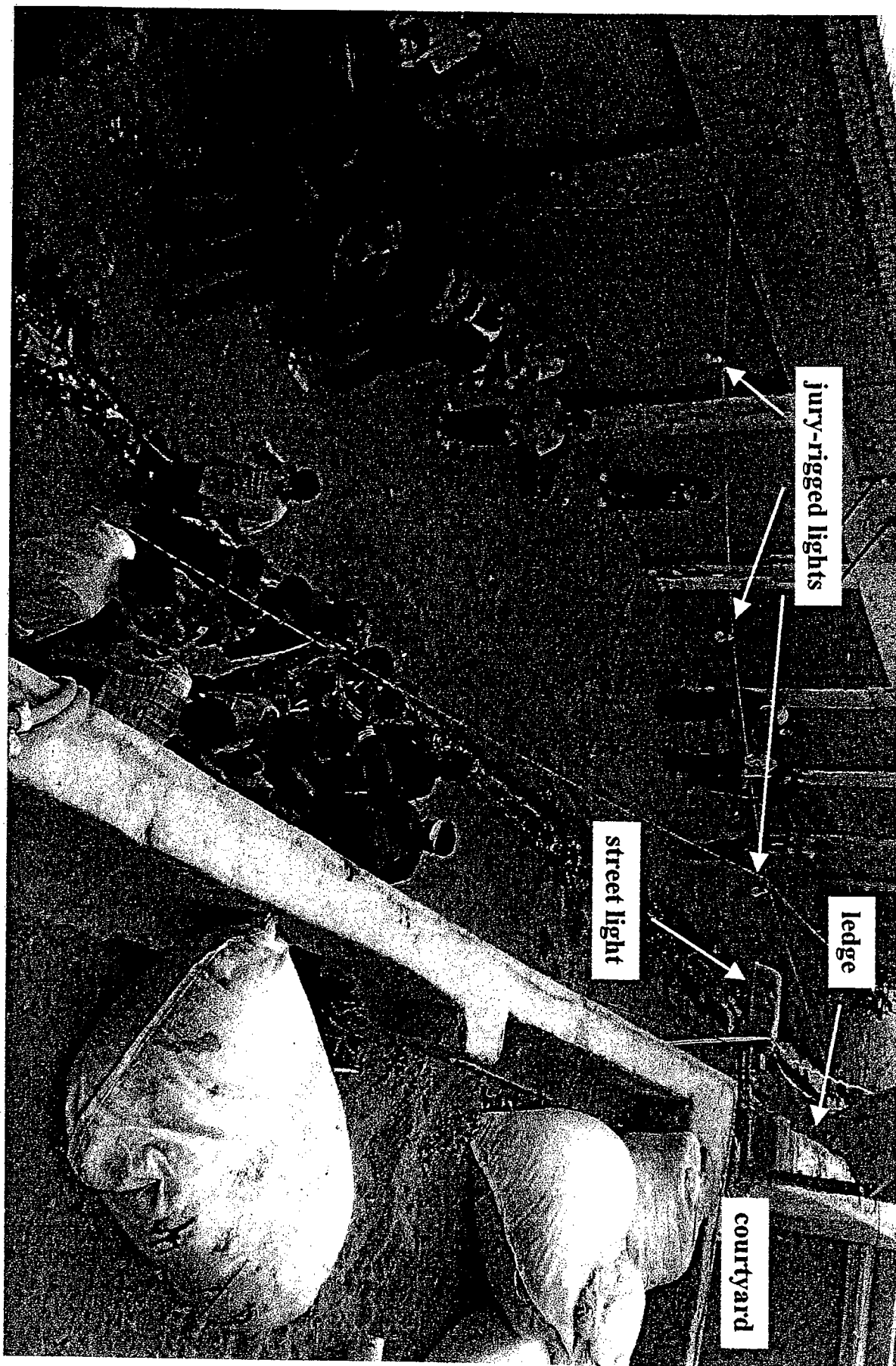
Green dome roof top
corner closest to courtyard ambush site



View back toward courtyard and
rest of patrol's hide sites



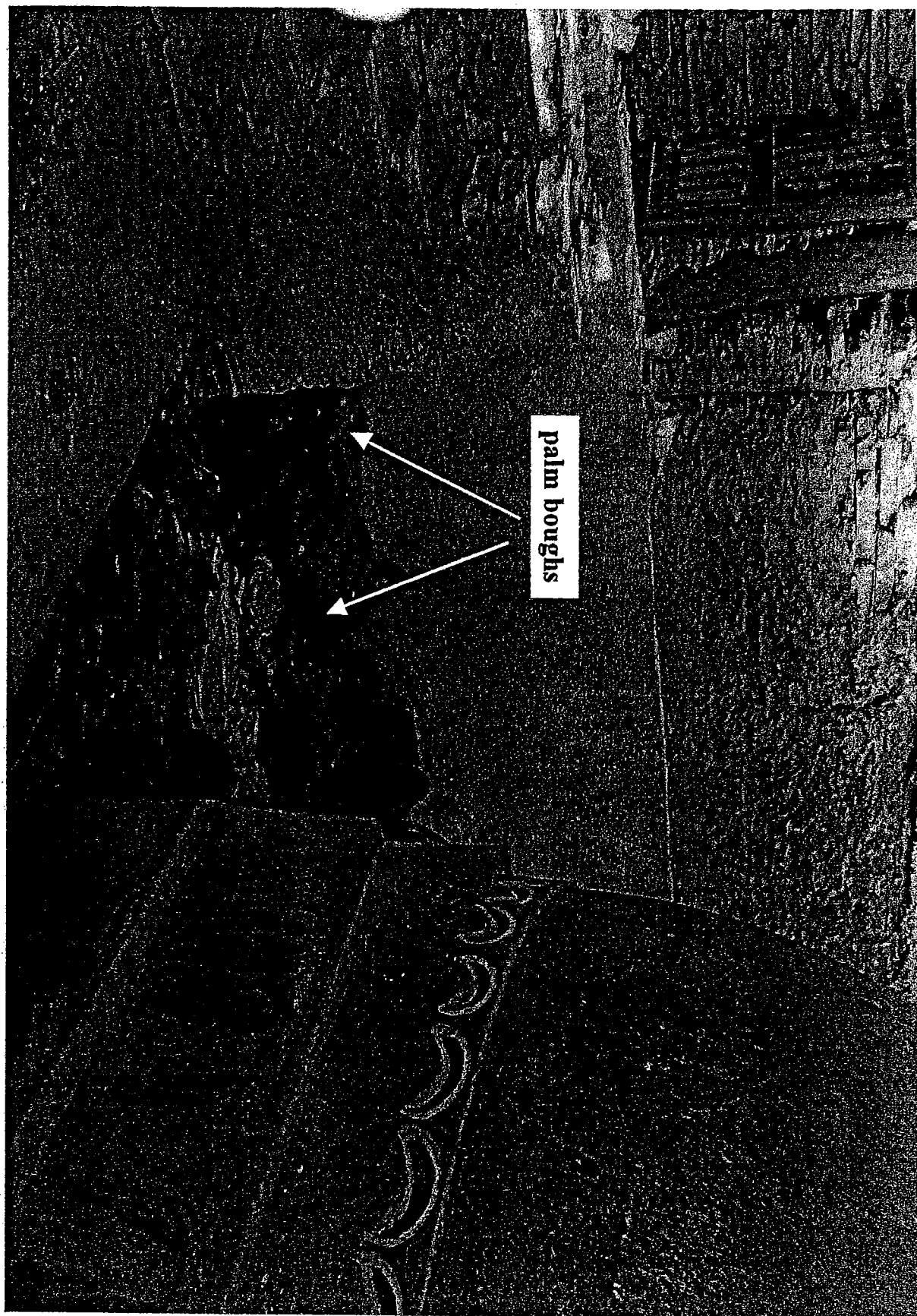
alleyway view – toward Cpl [REDACTED] position



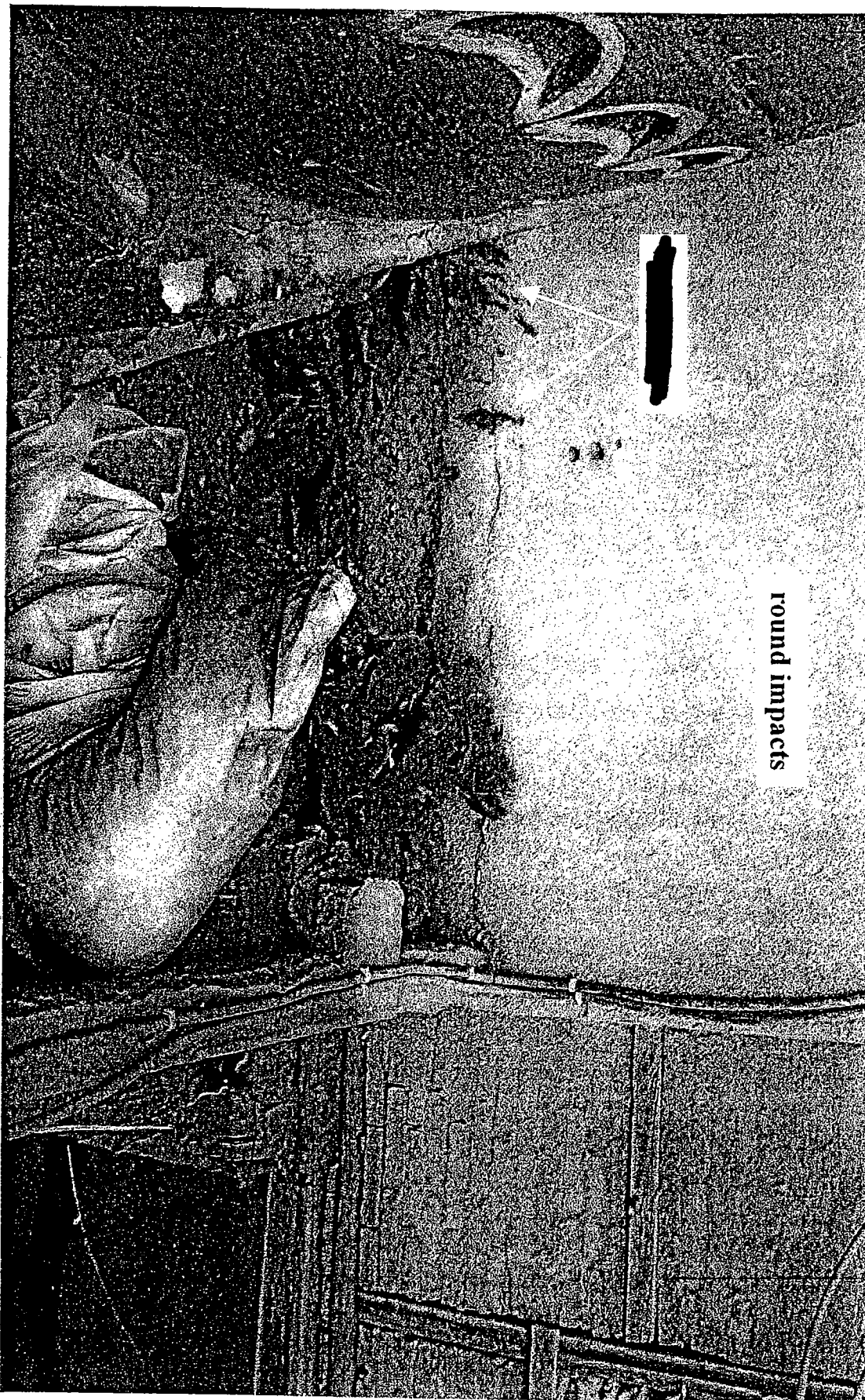
alleyway view – opposite direction



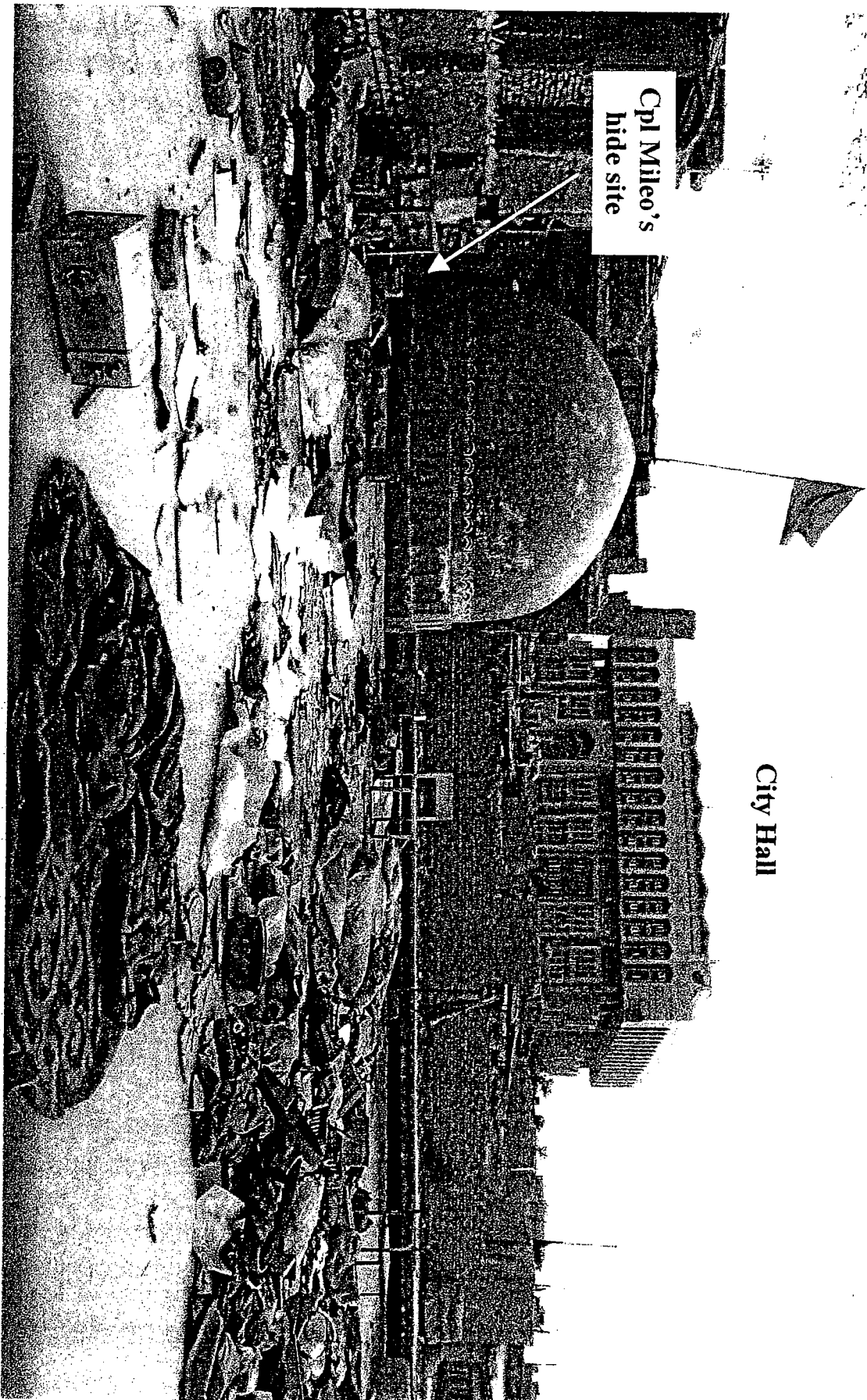
Cpl Mileo's hide site — rear view



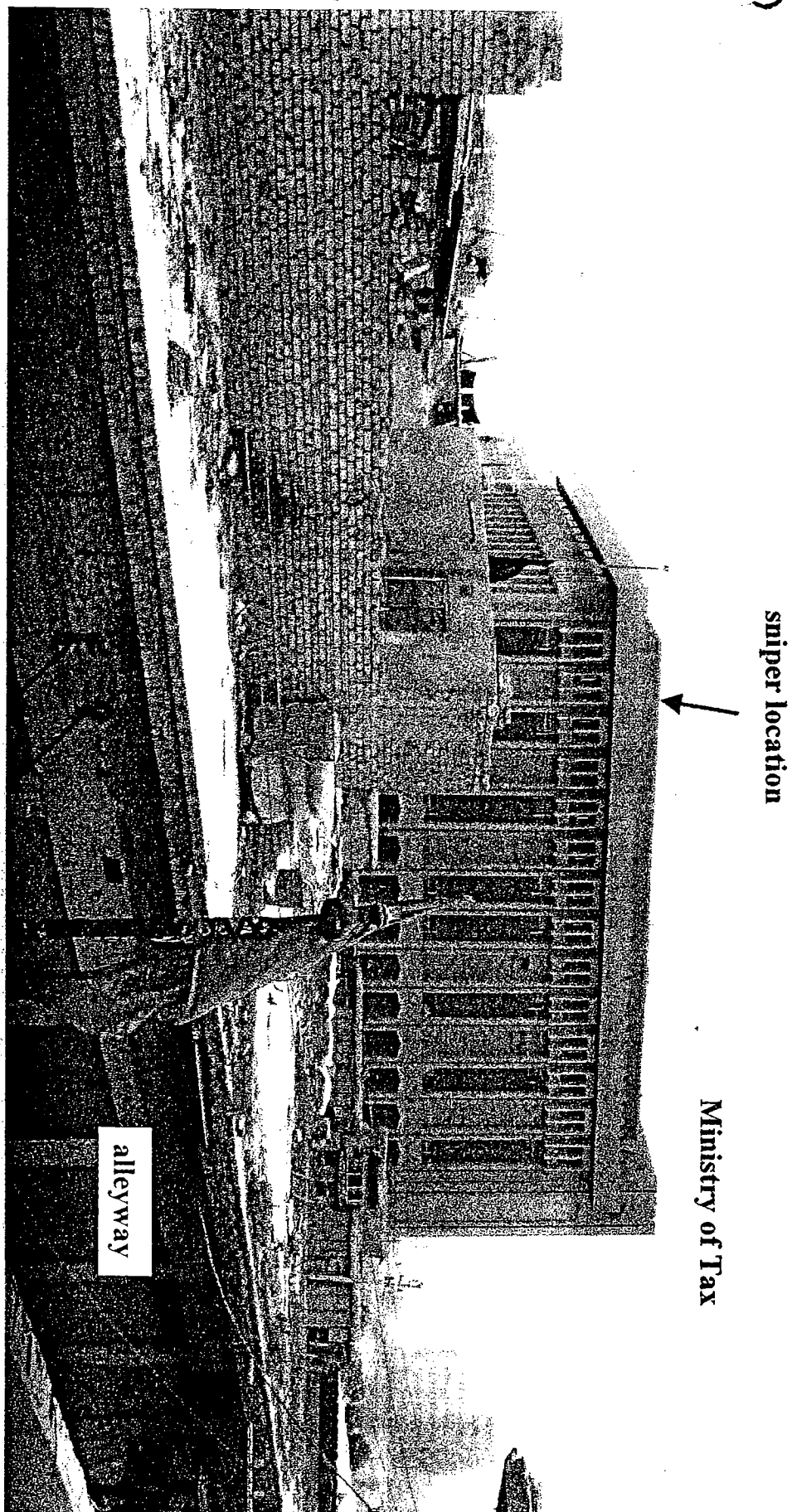
Cpl Mileo's hide site – front view
(closest to snipers)



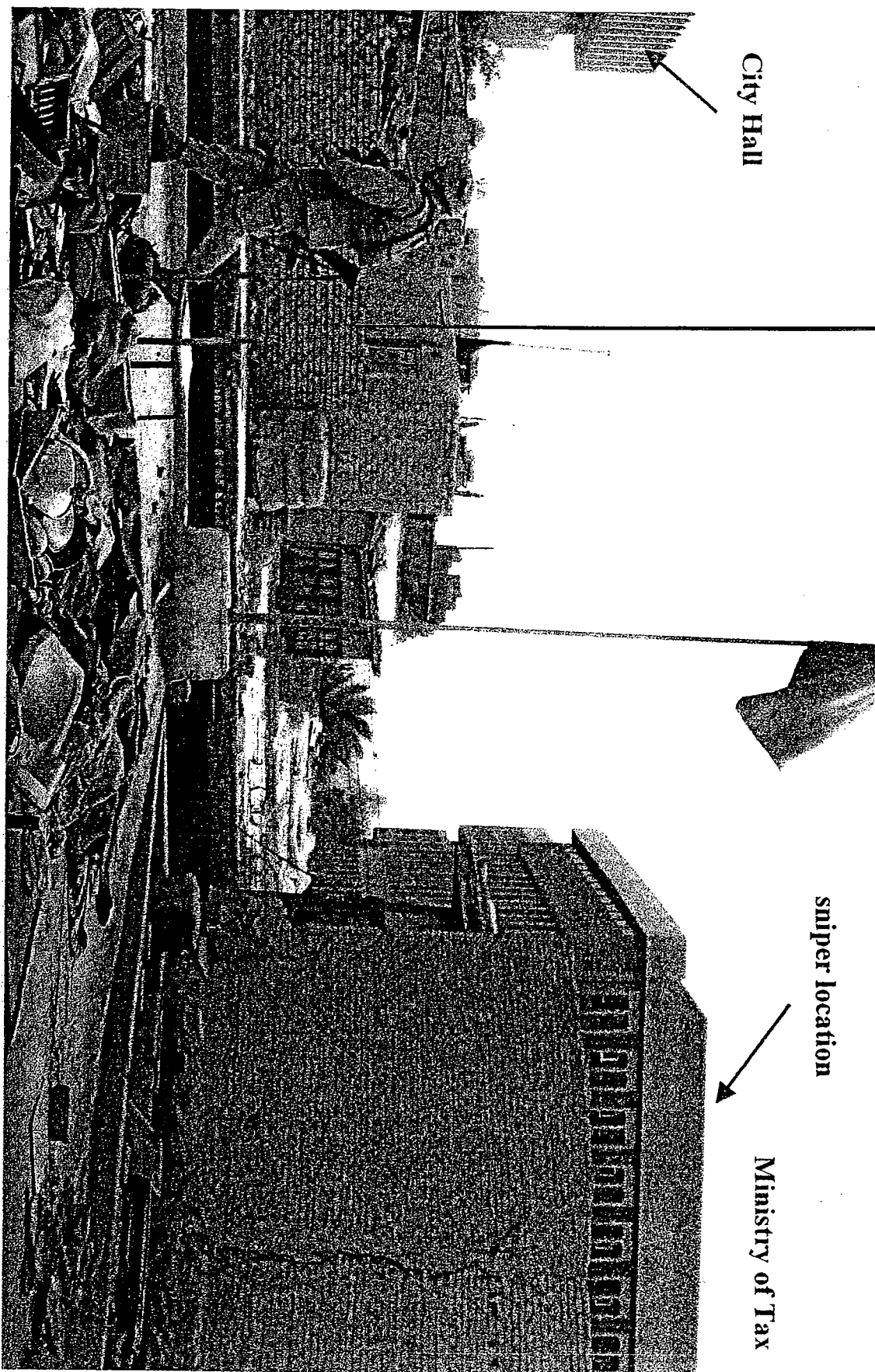
View of green dome with
City Hall in background
(HQ Commandant building)



View from green dome toward Bn CP & sniper positions
(Ministry of Tax building)



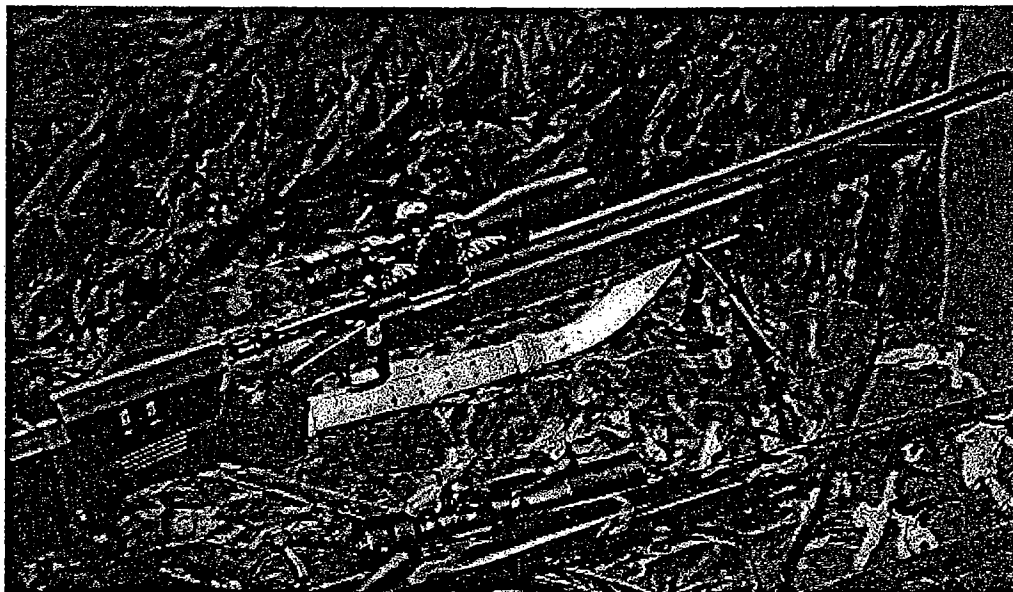
View from green dome toward Bn CP
(Ministry of Tax building)



Medical Product Donations
 Donate surplus medicines, supplies, and
 equipment to charity.
www.directrelief.org

Asian Developing Nations
 Invest in education for girls in Nepal, Vietnam,
 India & Cambodia.
www.roomtoread.org

USMC M40A3



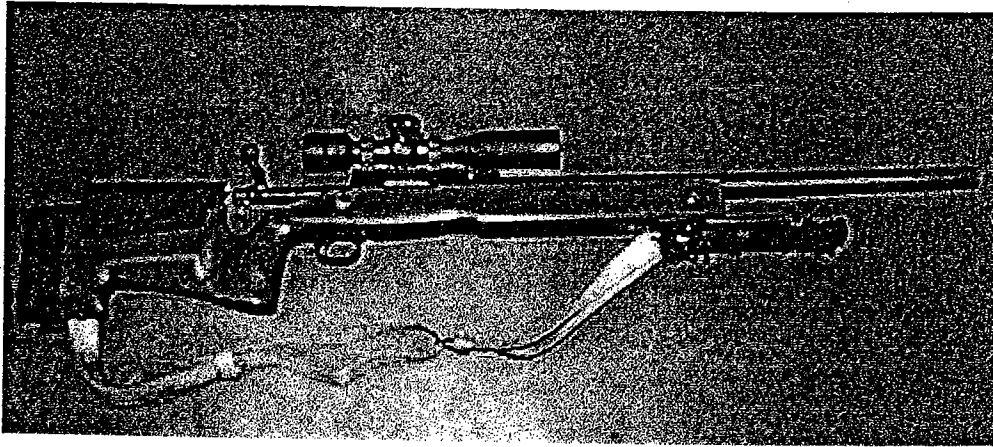
Caliber. 7.62x51mm NATO (.308 Win)
Length 44.25" (1124mm)
Weight 16.5 lbs (7.5 kg)
Barrel Schneider Match Grade SS #7
Barrel Length. 24 inches (610mm)
Trigger Weight 3 to 5 pounds
Magazine Capacity. . . 5 rounds
Sight. Unertl 10x with Mil-Dots and BDC.
Stock. McMillan Tactical A4
Max Effective Range. . 1000 yards (915 meters)

In 1996 the USMC started on the design for the replacement of the M40A1, the result was the M40A3. It uses a remington 700 short action, with a steel floorplate assembly and trigger guard built by D.D. Ross. The Unertl rings and bases have been replaced with D.D. Ross base and G&G Machine rings. The rifles also come with a harris bipod and an accessory rail, also built by G&G Machine. The stock is a new McMillan A4, with adjustable cheek and length of pull.

As the M40A1's rotate in for service and repair, they are replaced by M40A3's. All M40A3s are built by USMC armorers at Quantico Virginia. The M40A3 is an outstanding replacement for the aging M40A1's. The rifles are extremely accurate, very rugged, and are designed from the ground up to be a superb sniper rifle. Combined with the new M118LR ammo, it makes a system that is ranked with the best in the world.

Search the Internet

Search



Return to [rifles list](#)



Investigating Officer's
Statement to the Record

I deployed to Kuwait on 21 February 2003, to serve as the Deputy Staff Judge Advocate for the 1st Marine Division. On 23 March 2003, near Az Zubayr, Iraq, the Staff Judge Advocate, Lieutenant Colonel [REDACTED] was severely injured during the ambush of his vehicle convoy. He sustained multiple gunshot wounds and was ultimately evacuated to the United States for treatment and rehabilitation. As a result, I became the Staff Judge Advocate for the 1st Marine Division, and moved into Iraq to join the Division Staff.

In April, I was still serving as the Division Staff Judge Advocate. At the time of this incident, I reviewed Major [REDACTED] original investigation, prepared the Commanding General's draft endorsement, and briefed the Commanding General on the findings. Once our review was complete and the endorsement was signed, I delivered the investigation to the Staff Judge Advocate at I Marine Expeditionary Force.

In late May/early June, I was informed that Cpl Mileo's parents, [REDACTED], were seeking a copy of the completed investigation. The primary request was relayed through their assigned Casualty Assistance Calls Officer (CACO), but Lieutenant Colonel [REDACTED] (at that point partially healed and working in the office) and Lieutenant Colonel [REDACTED] (the Reserve Judge Advocate serving as the SJA for our remain behind commands at Camp Pendleton) that the family was trying to obtain a copy of the investigation. Ordinarily under the JAGMAN, the Commanding General is the release authority for death investigations. I consulted with the I Marine Expeditionary Force SJA and received permission to release a copy of the investigation to the family. The Division SJA at Camp Pendleton prepared the investigation and shipped a copy, through I MEF endorsement to the family, as requested.

In late August, we learned that Cpl Mileo's parents had several questions regarding the death of their son, the investigation into his death, the autopsy results, and the status and location of some of his personal effects. Some time earlier in the month, the [REDACTED] had met with Commander [REDACTED], a medical examiner at the Armed Forces Institute of Pathology, to obtain a copy of the autopsy and discuss the findings. During this meeting, the [REDACTED] requested an independent investigation into their son's death. Commander [REDACTED] then recommended that the family contact the Naval Criminal Investigative Service (NCIS).

Based on my familiarity with the case, and given the tragic nature of Cpl Mileo's death, the Commanding General directed that the Division Chaplain, Commander [REDACTED] and I travel to Maryland to meet with Cpl Mileo's parents. On 12 September 2003, I met with them alone in their home for approximately 90 minutes, as they ultimately declined to meet with Commander [REDACTED]. Mr. and Mrs. [REDACTED] were polite, patient and focused during the meeting. They were upset about the inconsistencies contained in the investigation, and stated that the investigation dishonored their son by placing much of the blame for his death on him and his failure to wear his helmet and

[REDACTED] Specifically, they expressed concerns about the position of the rifle at the time their son was shot, the nature and location of the entrance and exit wounds, and his ability to move after being shot. They also renewed their request for an independent investigation of the facts. Finally, they explained that they were trying to work with the Marine Corps to resolve their issues and concerns, but were growing more and more frustrated.

During the meeting I explained that reviewers at Central Command had raised similar questions, so I expected the investigation would be returned to I Marine Expeditionary Force, and ultimately 1st Marine Division, to address those issues.

Upon my return to Camp Pendleton, I reported all of this information to the Commanding General. When the investigation was returned to the Division via I MEF, I was assigned to conduct the supplemental interviews and collect the documents required by reference (c).

I prepared the two attached Powerpoint diagrams, in an effort to provide subsequent readers and reviewers with an appreciation for the geometry of the incident location, as well as depict the location of key pieces of evidence, based upon witness recollection.

[REDACTED]

Major, US Marine Corps

not to scale

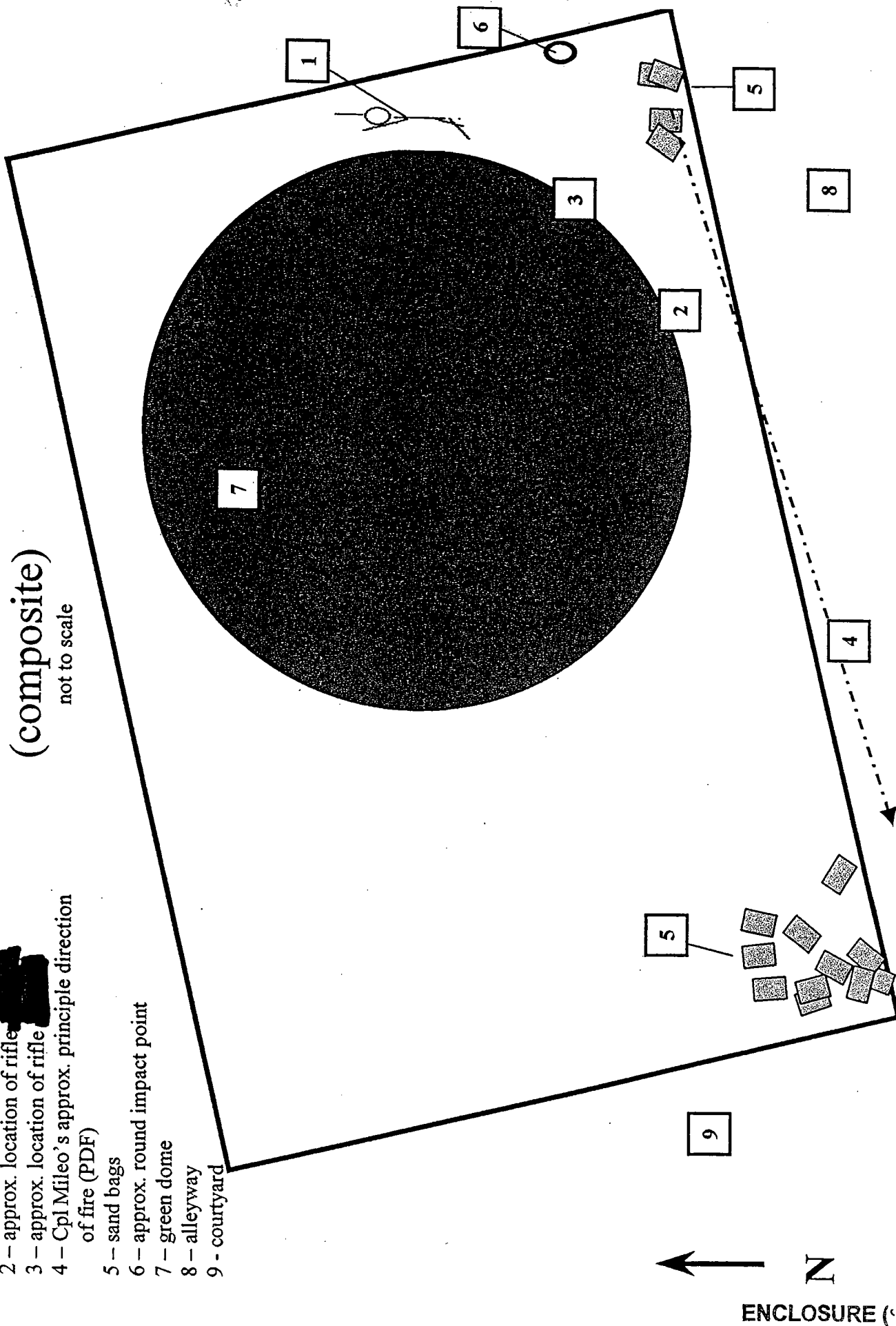
- 11 - Sgt [REDACTED]



Scene diagram (composite)

not to scale

- 1 - approx. location of Cpl Mileo
- 2 - approx. location of rifle
- 3 - approx. location of rifle
- 4 - Cpl Mileo's approx. principle direction of fire (PDF)
- 5 - sand bags
- 6 - approx. round impact point
- 7 - green dome
- 8 - alleyway
- 9 - courtyard





DEPARTMENT OF THE ARMY
COALITION JOINT TASK FORCE 7
UNITED STATES ARMY FORCES CENTRAL COMMAND
THIRD UNITED STATES ARMY
APO AE 09304

REPLY TO
ATTENTION OF:

AFRD-JA

18 May 2003

MEMORANDUM FOR Commander, US Central Command (ATTN: CCJA), CFH, Doha, Qatar
APO AE 09365

SUBJECT: Investigation is Forwarded For Your Information

1. The enclosed investigation was reviewed and determined to be in accordance with US CENTCOM direction for a comprehensive investigation into the subject incident.
2. It is forwarded to you for your review and retention. In the event you have any questions regarding this investigation, please contact COL [REDACTED] CJTF-7 at DSN [REDACTED]

3/4/2

Tragic results from failure to maintain standards in uniform and individual actions during combat.

DAVID D. MCKIERNAN
Lieutenant General, USA
Commanding



DEPARTMENT OF THE ARMY
COALITION JOINT TASK FORCE 7
UNITED STATES ARMY FORCES CENTRAL COMMAND
THIRD UNITED STATES ARMY
APO AE 09304

REPLY TO
ATTENTION OF:

AFRD-JA

18 May 2003

MEMORANDUM THRU

Commander, CJTF-7 (ATTN: C3/MG Thurman)

Commander, CJTF-7 (ATTN: COS/MG Blackman)

FOR Commander, CJTF-7 (ATTN: AFRD-CG/LTG McKiernan)

SUBJECT: Legal Review of Commander's Inquiry of Friendly Fire Death of Corporal Jason D. Mileo

1. I have reviewed the commander's inquiry regarding the friendly fire death of Corporal Jason D. Mileo on 14 April 2003.
2. I find that the evidence supports the investigating officer's findings and recommendations.
3. Prior to this friendly fire incident, the 3d Battalion, 4th Marines, 1st Marine Division received reports from local Iraqi civilians that armed members of the Feyadeen Saddam were using a local mosque as a base of operations. Pursuant to that information, a squad was detailed from 3d Platoon, India Company for the mission, and was attached to Bravo Company, 1st Tanks, 3d Battalion, 4th Marines to conduct an ambush patrol. During the ambush patrol, Cpl Mileo was deployed to the roof of the reported mosque, where he assumed his position, without wearing his Kevlar helmet or flak vest.
4. At the same time, pursuant to Battalion SOP, snipers were employed in the vicinity. The snipers, suspecting Cpl Mileo might have been one of the unlawful combatants, began to observe him for 20-30 minutes. During this time, he was observed smoking a cigarette. Unfortunately, night vision goggles were not usable, as there was a bright streetlight in the vicinity. Eventually, Cpl Mileo arose from his position with his weapon pointed in the direction of the Battalion TOC. At that point, the sniper believed Cpl Mileo to have demonstrated a hostile intent, and fired one round. Cpl Mileo was struck in the torso, and killed.
5. I concur in finding no basis for legal action. The sniper reacted within the rules of engagement in effect at the time, especially in light of the intelligence reports and mission guidance. Cpl Mileo's failure to wear his Kevlar helmet and flak vest, and smoking during an ambush patrol, all led to the sniper's reasonable belief that this was an unlawful combatant. When he arose, with his rifle pointed in the direction of the TOC, the sniper observed what he thought was a hostile act, and responded appropriately.

AFRD-JA

SUBJECT: Legal Review of Commander's Inquiry of Friendly Fire Death of Corporal Jason D. Mileo

6. Further, I concur with the recommendation of the Commanding General, IMEF that the rules of engagement not be amended as recommended by the investigating officer.

7. POC this action is CPT [REDACTED] SJA CJTF-7 at DSN [REDACTED]

Encls

1. IMEF CDR's Findings (Tab A)
2. 1MARDIV CDR's Findings (Tab B)
3. RCT-7 CDR's Findings (Tab C)
4. 1MEB CDR's Findings (Tab D)
5. CDR's Inquiry with Enclosures (Tab E)

[REDACTED]
Colonel, JA
Staff Judge Advocate



DEPARTMENT OF THE ARMY
COALITION JOINT TASK FORCE 7
HEADQUARTERS THIRD UNITED STATES ARMY
UNITED STATES ARMY FORCES CENTRAL COMMAND
APO AE 09304

REPLY TO
ATTENTION OF:

SUBJECT: Legal Review of Commander's Inquiry of Friendly Fire Death of Cpl Jason D. Mileo

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TAB A	IMEF Commander's Findings
TAB B	1MARDIV Commander's Findings
TAB C	RCT-7 Commander's Findings
TAB D	1MEB Commander's Findings
TAB E	Commander's Inquiry with Enclosures



UNITED STATES MARINE CORPS

I MARINE EXPEDITIONARY FORCE, FMF
CAMP JUDGEMENT, IRAQ
UIC 43601 BOX 0001
FPO AP 98613-0001

IN REPLY REFER TO:

5800

SJA

MAR 10 2003

THIRD ENDORSEMENT on JAGMAN ltr 5830 of 16 Apr 03

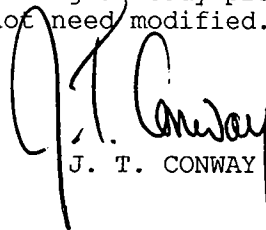
From: Commanding General, I Marine Expeditionary Force
To: Commander, United States Central Command
Via: Commander, Coalition Force Land Component Command

Subj: COMMAND INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING THE FRIENDLY
FIRE DEATH OF CORPORAL JASON D. MILEO [REDACTED] 0311 USMC

1. Forwarded. The findings of fact, opinions, and recommendations of the Investigating Officer are approved with the exception of:

a. Recommendation 2. "That the Rules of Engagement be changed to require a hostile intent on the part of the aggressor and that being armed, by itself, is not ground for engagement".

2. The Rules of Engagement and training already provide for this interpretation and, therefore, do not need modified. No further investigation is warranted.


J. T. CONWAY

Copy to:
CG, 1st MarDiv



UNITED STATES MARINE CORPS

1ST MARINE DIVISION (REIN)
UIC 39858
BOX 1786
FPO AP 96613-1786

IN REPLY REFER TO:

5800

17/jal

17 Apr 03

SECOND ENDORSEMENT on JAGMAN ltr 5830 of 16 Apr 03


From: Commanding General, 1st Marine Division
To: Commanding General, I Marine Expeditionary Force

Subj: **COMMAND INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING THE
FRIENDLY FIRE DEATH OF CORPORAL JASON D. MILEO [REDACTED] /0311
USMC**

1. Forwarded, concurring with the findings, opinions, and recommendations, as modified by the Commanding Officer, Regimental Combat Team-7.
2. Specifically concur that there were several factors, which if remedied, would have prevented or at least reduced the likelihood of this unfortunate incident.
3. In addition to the problems noted in the RCT commander's endorsement, is the absence of any sort of rehearsal prior to the execution of this ambush patrol. An adequate rehearsal, coupled with a patrol leader's brief-back by Sergeant [REDACTED] would have quickly demonstrated the confusion regarding the mission and assigned ambush site. The investigation clearly demonstrates that Sgt [REDACTED] and his team thought they were to occupy the small mosque, while his commanding officers expected him to take up positions that would allow him to observe the mosque for potential paramilitary forces. A rehearsal would have also provided an opportunity to remind the Marines of the unit's patrolling SOPs (including appropriate uniform), and may have highlighted the lack of communications equipment within the patrol unit.
4. Furthermore, this tragic situation demonstrates the devastating effects of failing to coordinate efforts in a built-up area. According to the statements from the sniper team, they observed an unknown individual on the roof of an apparent mosque for over twenty minutes, until their attention was diverted by a fire fight to the west of their position. At the conclusion of the firefight they returned their attention to the unknown individual. At no time did the sniper team convey their observations to the battalion or regimental command operation centers, preventing those organizations from being able to assess and deconflict the problem. However, the snipers demonstrated restraint in uncertainty by continuing to observe the unknown individual for a significant period of time. Although the rules of engagement require positive identification, defined as a reasonable certainty that the proposed target is a legitimate military target, this principle is mainly for offensive military operations.

Under the inherent right of self-defense, the ROE also permitted the sniper to engage targets that demonstrated a hostile intent or hostile act toward protected forces. Only when Corporal Mileo rose up, with his weapon oriented toward the Battalion Command post, did the sniper fire. The sniper's response was reasonable in light of this perceived demonstration of hostile intent toward the headquarters.

5. The unfortunate loss of Corporal Mileo is deeply regretted by this command. Commanders and leaders at all levels are reminded to remain vigilant as we transition to the most demanding and dangerous portion of our operations in Iraq. Complacency and inattention to detail will exact a similar toll again and again if we allow them to.


J. N. MATTIS

Copy to:
CO, RCT-7
CO, 3/4



UNITED STATES MARINE CORPS

RCT-7
1ST MARINE DIVISION (REIN), FMF
MARINE CORPS AIR GROUND COMBAT CENTER, BOX 788260
TWENTYNINE PALMS, CALIFORNIA 92278-8260

IN REPLY REFER TO:

5800

S-1

16 Apr 03

FIRST ENDORSEMENT on JAGMAN ltr 5830 of 16 Apr 03

From: Commanding Officer, Regimental Combat Team-7
To: Commanding General, 1st Marine Expeditionary Force
Via: Commanding General, 1st Marine Division (Attn: SJA)

Subj: COMMAND INVESTIGATION INTO THE CIRCUMSTANCES
SURROUNDING THE FRIENDLY FIRE DEATH OF CORPORAL
JASON D. MILEO [REDACTED] 40311 USMC

1. Having read the investigation and accompanying statements, I have concluded that there were two fundamental failures that constitute the primary factors contributing to the death of Cpl Mileo. As with most tragic events, had either of these breakdowns been remedied in time, the death of Cpl Mileo would likely have been averted.
2. The first breakdown occurred when Bravo Company, 1st Tanks failed to ensure that the 3rd Bn, 4th Marines COC was made aware of Sgt [REDACTED]'s patrol intentions. The Bravo Company XO (1stLt [REDACTED]) states that he informed the Bn COC of the imminent departure of the patrol (1630Z) and ambush location (MB 447887), however the Bn COC watch log has no entry to that effect and Bn COC personnel on duty at the time deny being notified. Subsequent failures by the Bravo Company COC to report departure of friendly lines and arrival at the ambush site represent additional required reports that would have raised the situational awareness of the Bn COC. Bravo Company's failure to effectively inform the Bn COC that a patrol was in progress prevented the Bn Watch Officer from ensuring essential liaison was made with the Force Reconnaissance Sniper team operating within Bn 3/4's zone of action.
3. The second breakdown occurred when Cpl Mileo disobeyed Bn, Regt and Div policy regarding the proper wear of battle gear by intentionally removing both his Kevlar helmet and Flak jacket. This violation of policy had a direct influence on his being assessed to be a hostile target by

Subj: COMMAND INVESTIGATION INTO THE CIRCUMSTANCES
SURROUNDING THE FRIENDLY FIRE DEATH OF CORPORAL
JASON D. MILEO [REDACTED] /0311 USMC

the Sniper team who had him under observation. Although under observation for 20-30 minutes prior to engagement, his improper uniform, combined with the visible carrying of a weapon and his lighting and smoking of a cigarette led the Sniper team to logically conclude that the target was not a Marine.

4. Based on Cpl Mileo's location, actions and appearance, I believe that the Sniper Team had compelling evidence to engage what by all appearances was an armed hostile combatant who was oriented towards nearby Marines and posed an imminent threat to their safety.

5. I concur with the opinions and recommendations of the Investigating and Commanding Officers with one exception. Regarding the recommendation that the ROE needs to change, I feel that the ROE is still appropriate. Marines need to continue to engage those personnel who pose hostile intent to friendly forces. However, I have emphasized to all commanders that during this time of transition from open combat to a more fractionalized, lawless environment, judicious judgment must be applied when making the determination as to hostile intent. The prevalence of rifles among civilians protecting their homes, armed citizens firing celebratory shots into the air and looters carrying rifles possibly without ammunition only complicates the already challenging task of identifying those with hostile intent.

6. Point of contact at this command in regards to this matter is LtCol [REDACTED] who can be reached at Tactical Phone: [REDACTED] or Iridium Phone: [REDACTED]

[REDACTED]

Copy to:
3rd Bn, 4th Marines
Files



UNITED STATES MARINE CORPS

3D BATTALION, 4TH MARINES
1ST MARINE DIVISION (REIN), FMF

UIC 39781

FPO AP 96426-9781

5830

6

14 APR 03

From: Commanding Officer

To: Commanding General, I Marine Expeditionary Brigade

Via: (1) Commanding General, 1st Marine Division

(2) Commanding Officer, 7th Marine Regiment

Subj: INVESTIGATION INTO CIRCUMSTANCES SURROUNDING FRIENDLY FIRE
DEATH OF CORPORAL JASON D. MILEO, [REDACTED] / 0311

Ref: (a) JAGMAN

1. Forwarded.

2. I concur with the recommendations by the investigating officer.

[REDACTED]



UNITED STATES MARINE CORPS

3D BATTALION, 4TH MARINES
1ST MARINE DIVISION (REIN), FMF

UIC 39781

FPO AP 96426-9781

5830

6A

15 APR 03

From: Major [REDACTED] 0302 USMC
To: Commanding Officer

Subj: INVESTIGATION INTO CIRCUMSTANCES SURROUNDING FRIENDLY FIRE
DEATH OF CORPORAL JASON D. MILEO, [REDACTED] / 0311

Ref: (a) JAGMAN

Encl: (1) Appointing order dtd 15 April 2003
(2) Investigating Officer Statement
(3) Rules of Engagement
(4) Statement of Captain [REDACTED], Bravo Company
Commander
(5) Statement of Sergeant [REDACTED] Squad Leader
(6) Statement of Corporal [REDACTED] Team Leader
(7) Statement of Private First Class [REDACTED] Automatic
Rifleman
(8) Statement of Lance Corporal [REDACTED] Radio Telephone
Operator
(9) Statement of Corporal [REDACTED], Point Man
(10) Statement of 1st Lieutenant [REDACTED] Bravo
Company Executive Officer
(11) Statement of 1st Lieutenant [REDACTED] Battle
Captain Main COC
(12) Statement of Lieutenant [REDACTED] Battalion
Surgeon (omitted)
(13) Statement of Staff Sergeant [REDACTED]
Spotter for Recon Sniper Team
(14) Statement of Staff Sergeant [REDACTED] Sniper for
Force Recon Sniper Team
(15) Statement of 1st Lieutenant [REDACTED] Assistant
FSC / Battle Captain

Subj: INVESTIGATION INTO CIRCUMSTANCES SURROUNDING FRIENDLY
FIRE DEATH OF CORPORAL JASON D. MILEO, [REDACTED] / 0311

Preliminary Statement

1. Per Enclosure (1) and in accordance with the reference, a command investigation was conducted to determine the circumstances surrounding the death of Corporal Jason D. Mileo, 3d Battalion, 4th Marines. This investigation was required because his death involved friendly fire.

2. No problems were encountered during the investigation. All statements were voluntarily submitted. No evidence of criminal misconduct was indicated at the outset of this investigation. However, standard rights waiver sheets are included with all statements with the exception of the Battalion Surgeon.

Findings of Fact

1. Corporal Mileo was assigned to 3d Platoon, India Company. Enclosure (2)

2. 3d Platoon, India Company was attached to Bravo Company, 1st Tanks at the time of the accident. Enclosure (2)

3. Bravo Company was attached to 3d Battalion, 4th Marines at the time of the incident and had been from the outset of Operation Iraqi Freedom. Enclosure (2)

4. Captain [REDACTED] commanded Bravo Company, 1st Tanks. Enclosure (4)

5. 1stLt [REDACTED] commanded 3d Platoon, India Company. Enclosure (2)

6. Sergeant [REDACTED] was Corporal Mileo's squad leader. Enclosure (5)

7. Bravo Company conducted five separate daylight patrols before the patrols in question, two of which included rolling the QRF force to support them. Enclosure (2)

8. Captain [REDACTED] had given the order for the patrol to the Mosque based on Humint reports that indicated there were Fedayeen returning to the Mosque area at night. Enclosure (4)

9. Sergeant [REDACTED] gave a patrol order and back briefed the Bravo and Platoon chains of command. Enclosure (2)

Subj: INVESTIGATION INTO CIRCUMSTANCES SURROUNDING FRIENDLY
FIRE DEATH OF CORPORAL JASON D. MILEO, [REDACTED] / 0311

10. The original quick reaction force was to have been the remainder of 3d Platoon commanded by Lt [REDACTED], however, the lieutenant was pulled away to break up an armed robbery and to guard a bank that had already been looted. This left Bravo 8 (Tank Hardback Heavy Machine Gun variant) as the QRF. Enclosure (2)

11. In Sergeant [REDACTED] mind, he was moving to occupy the mosque from the outset, but in the mind of the Bravo Company Commander, the India, 3d Platoon Commander, and the Bravo executive officer, the patrol was moving to assume positions on adjacent buildings. Enclosure (2)

12. That the building the Marines referred to as the Green Domed Mosque was approximately 15 feet square and with the exception of the dome itself, did not appear to be a mosque because of the lack of doors for women and men and the unkempt appearance of the grounds. Enclosure (2)

13. The Division [REDACTED] was employed by the battalion through [REDACTED]
[REDACTED]

14. That the mission of the original react force for the ambush patrol changed from being the react force, to intervening at an armed bank robbery to the Northwest, and finally to protecting an already looted bank to the Southeast in a short period time of, which coincided with the departure of the ambush patrol at 1645. Enclosure (2)

15. That the Quick Reaction Force mission was taken up by Black [REDACTED] the tank leader and his heavy gun variant hummer. Enclosure (4)

16. There were six Marines on the patrol. Enclosures (2) through (10).

17. Personnel in the Battalion COC, including Lt [REDACTED] (the battle captain on duty when the patrol departed), Lt [REDACTED] (the battle captain on duty when the shooting occurred) and the snipers on the roof of the Main's building were not aware that Bravo Company had a patrol in progress until after the shooting had occurred. Enclosures (11), and (13) through (15).

18. At 1819, Captain [REDACTED] called the Main to ascertain whether snipers had been firing. Enclosure (2)

Subj: INVESTIGATION INTO CIRCUMSTANCES SURROUNDING FRIENDLY
FIRE DEATH OF CORPORAL JASON D. MILEO, [REDACTED] / 0311

19. That Bravo Company did not report the arrival of the patrol at the ambush site in a manner, which was recorded by the battalion COC. Enclosure (2), (11) and (15).

20. That the roof with the green dome was the only part of the complex where there was direct observation from the Main building where the snipers were located. Enclosure (2)

21. The squad set in using 360-degree security at the ambush site. Enclosures (5) through (9).

22. After the patrol set in, Corporal Mileo was observed not wearing his flak and helmet while carrying a sand bag by his squad leader, Sergeant Funke. Enclosure (5)

23. Sergeant [REDACTED] assumed Corporal Mileo would square himself away once he got settled and he did not correct the discrepancy for fear of giving away the squad's hide site by speaking to him. Enclosure (5)

24. That Corporal Mileo's flak jacket contained SAPI plates front and rear. Enclosure (11)

25. Corporal Mileo was in a position where he was not visible to anyone else in the patrol due to the rooflines in the area and the fact that his position was behind a dome. Enclosures (2) and (5)

26. Staff Sergeant [REDACTED] and Staff Sergeant [REDACTED] observed a male with a weapon on the roof of the mosque at approximately 1800. Enclosures (13) and (14)

27. They described this individual as not wearing a helmet or flak, with a weapon that pointed outboard toward the Main's building.

28. The two staff sergeants and the patrol heard a small arms exchange. Enclosures (5) through (9) and (13) through (14).

29. The two staff sergeants assumed that this individual was up to no good and decided to engage based on the rules of engagement and further reinforced by the fact that the individual was smoking. Enclosures (3), (13) and (14)

Subj: INVESTIGATION INTO CIRCUMSTANCES SURROUNDING FRIENDLY
FIRE DEATH OF CORPORAL JASON D. MILEO, [REDACTED] / 0311

30. A single shot was fired and caught the individual in the back as he got up from the position he had been laying in. Enclosures (13) and (14).

31. Sergeant [REDACTED] and his patrol members heard the shot and a soft scream, but did not associate either sound with Corporal Mileo until they heard a transmission from Bravo [REDACTED] asking whether they had received sniper fire. Enclosure (5)

32. According to the operations log, at 1829 on 14 April 2003, Bravo [REDACTED] Captain [REDACTED] radioed the Battalion Combat Operations Center that his patrol had a MEDEVAC with no pulse. Enclosure (2)

33. That the sniper team reported its engagement at roughly the same time. Enclosures (2) and (11).

34. The Quick Reaction Force Responded and brought the Marine back to the Ministry Compound. Enclosures (2) and (11).

35. That Corporal Melio was declared dead on arrival at approximately 1900.

36. That Corporal Melio was hit in the left shoulder with the exit wound in his chest and that he was not wearing a flak vest. Enclosure (11)

37. That Corporal Melio's major blood vessels to his heart were destroyed by the shot and he died within seconds. Enclosure (11)

Opinions

1. That the rapid re-tasking of the Bravo quick reaction force, combined with the single check point nature of the ambush patrol report, contributed to the Main COC missing the patrol route submitted by Bravo Company at approximately 1630. As a result, there was no detailed coordination of snipers in the ministry complex.

2. Had Bravo Company ensured positive reporting of the patrols location during the patrol itself, the Battalion COC would have been able to ascertain that a patrol was in the area and would have been able to coordinate with the sniper positions in the ministry complex.

3. That Bravo Company was stretched thin due to the fact that there were only two infantry platoons in the company, and

Subj: INVESTIGATION INTO CIRCUMSTANCES SURROUNDING FRIENDLY
FIRE DEATH OF CORPORAL JASON D. MILEO, [REDACTED] 0311

essentially one of these was tasked with guarding an ammo cache at a different location and the remainder of the company had internal security requirements in addition to at least five separate patrol requirements during the day, before being scrambled for the last two bank robberies.

4. That the building where the ambush was to have taken place was not actually a mosque, but more likely a community gathering spot or prayer hall. Furthermore, that the squalid condition of the building and the fact that the local population clearly wanted Marines to eliminate the thugs occupying the area, lead the squad leader to believe that he was not in violation of the rules of engagement. Nevertheless, he did violate the ROE by occupying what he thought was a religious area.

5. That the squad leader should have corrected Corporal Mileo the instant he realized he was not wearing his gear.

6. That Corporal Mileo violated uniform requirements that are enforced at all levels in 3/4 by taking his flak and helmet off.

7. That Corporal Mileo was smoking a cigarette during a night ambush patrol.

8. That the Force Reconnaissance team correctly engaged a target that fit the rules of engagement.

9. That Corporal Mileo would still be alive today had he had his flak and helmet on, either because his SAPI plates would have stopped the sniper bullet or because he would have been ID'd as friendly immediately.

Recommendations

1. That all [REDACTED]

2. That the Rules of Engagement be changed to require a hostile intent on the part of the aggressor and that being armed, by itself, is not a ground for engagement.

3. That Sergeant [REDACTED] be given battalion level NJP for his failure to correct the uniform of Cpl Melio and his occupation of the mosque site.

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FIRE DEATH OF CORPORAL JASON D. MILEO, 217 27 6818 / 0311

4. That Captain [REDACTED] receive a non-punitive letter of caution for failing to ensure that the Battalion COC was indeed tracking on his patrol

5. That a battalion-wide standdown be conducted to reinforce the basics of being a Marine infantryman.

[REDACTED]



UNITED STATES MARINE CORPS

3RD BATTALION, 4TH MARINES
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6

14 APR 03

From: Commanding Officer

To: Major [REDACTED] / 0302 USMC

Subj: INVESTIGATION INTO CIRCUMSTANCES SURROUNDING FRIENDLY FIRE
DEATH OF CORPORAL JASON D. MILEO, [REDACTED] 0311

Ref: (a) JAGMAN

1. You are directed to conduct an investigation into the circumstances surrounding the death of Corporal Melio near the Ministry Complex, Baghdad in the country of Iraq on 14 April. Reference (a) describes legal requirements to be used in the pursuit of your investigation.

2. You must complete this investigation within 10 days of receipt of this letter. All extensions must be requested in writing.

[REDACTED]

Investigating Officers Statement

This statement is provided based on personal observation of the events leading up to and immediately after the casualty and on interviews with persons associated with the incident.

Chronology of Events:

I walked into the Battalion Main Combat Operations Center (COC) at approximately 1820 on 14 April 2003. The "Main" had control of the battalion and was located in a government-building complex that includes the Ministries of Water and Finance, and Baghdad City Hall (Grid 445 886).

In addition to the Main, 3/4 elements in the compound included the TAC COC; Combat Trains; Bravo Company, 1st Tanks; and an attached Force Reconnaissance Platoon commanded by Captain [REDACTED]. The major units (Main, Combat Trains and Bravo Company) were organized into [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

At approximately 1819, the Bravo Company Commander called the CP to inquire about the possibility that snipers were engaging targets in the vicinity of a patrol at MB 447 887, immediately adjacent to a green-domed mosque at the North East corner of the lager. Within minutes of this transmission, the sniper team on the roof reported that they had engaged an armed civilian on the roof of the Mosque adjacent to the same grid. The report from the snipers indicated that they had engaged a male with a weapon on the roof of the Mosque.

At the time of this incident, [REDACTED]
[REDACTED] These rules and the fact that ALL MARINES SHALL WEAR THEIR COMBAT GEAR during operations were emphasized to commanders at the staff meeting that morning and subsequently this reinforcement was passed onto the Marines.

At 1829, according the Operations Log, Bravo Company called in an urgent MEDEVAC. The company reported that the Marine did not have a pulse. The Forward Aid Station was immediately notified and procedures were initiated to call in a helicopter

MEDEVAC. The reaction force from Bravo Company was dispatched through the main gate and the casualty was loaded on a hardback HUMMER, which formed part of the reaction force. Indications were that the Marine was already dead, but nevertheless, he was sped to the location of the forward aid station. At approximately 1900, Corporal Mileo was pronounced dead by the Battalion Surgeon, Lieutenant [REDACTED]

Investigation notes:

The process of the investigation began immediately on the patrols return. Statements were taken from the five remaining squad members, Captain [REDACTED] 1stLt [REDACTED] (the battalion watch officer at the time of the incident), Staff Sergeant [REDACTED] (spotter for Force Recon sniper team) and Staff Sergeant [REDACTED] (Force Recon sniper) that evening. Subsequent written statements were taken from Lt [REDACTED] (the Battalion Surgeon), 1stLt [REDACTED] Bravo Company XO and 1stLt [REDACTED] Assistant FSC.

In conversation and on his statement, Lt [REDACTED] stated that the battalion was informed of the patrol. He did allow that this was done during a time when the quick reaction was being pulled off and it would have been possible for the watch officer, Lt Uenuma, to become confused. Lt [REDACTED] stated that he was not aware that an ambush patrol departed the complex at the same time as the Quick Reaction Force described in the 1623 notation from the Ops Log transcript below. In fact, [REDACTED]

The battalion ops log had the following entries during this period (no copies can be made at this time):

- 1440 Ripper calls to inform of significant looting at Bank Vic 447 885. Bravo will add to their next patrol
- 1509 Looting, possible rioting at 447 912. India unable to respond due to other patrol activity
- 1623 Bank robbery in progress, Vic 437 888. Bravo will dispatch patrol ASAP
- 1800 Darkside-5 calls 5 minutes from gate.
- 1805 Gate guard observes vehicle pull up, passengers get out. Individuals instructed to leave. They do not

comply. Guards fire warning shots and individuals depart.

1806 Darkside-5 returns to the Main CP

1819 Force Recon 100 m East of our pos. Bravo [redacted] orders Patrol to halt until we verify who they are engaging. [redacted] Bravo Patrol. Mosque SE.

1829 Bravo reports CASEVAC. Negative Pulse.

1859 CASEVAC evaluated as KIA by FAS

Sergeant [redacted] was verbally questioned on two specific points - What his mission was and why was he on the Mosque with his patrol. Essentially the patrol's mission was to ambush a group of five presumed Fedayeen that the local populace had told the Marines used the "mosque" building described later as a place to sleep in order to remove this threat from the area. Sergeant [redacted] seemed confused by the question on why he had occupied the building because he insisted he had been ordered to do so. He did not acknowledge that he was not to go into a protected site, although his platoon commander, company commander and the company XO all stated they had told him not to occupy the building or to do so only with permission. In fact, the company XO stated that he had told the patrol to move once it became clear they might be in a protected area.

The Company Commander, Platoon Commander and Company XO were all debriefed verbally on the course of planning the mission and their expectations. From these debriefs it was clear that the patrol had been planned and back briefed in detail that afternoon.

Based on conversations with Sergeant [redacted], Capt [redacted], Lieutenant [redacted] and Lieutenant [redacted], it is clear that the patrol was back briefed and planned in detail. There was, however, confusion in relaying the plan for the patrol in the minds of the chain of command, the patrol leader and finally the battalion COC. That night, Bravo Company was given a short notice tasker to protect a bank that was being robbed. This resulted in the react force for Sergeant [redacted]'s ambush patrol being called out early for a secondary mission. As a result, the original ambush patrol, which was essentially one checkpoint away from the compound, became lost in the confusion of re-routing the react force to an ongoing armed robbery and then to guard a bank that had been looted. Checkpoint Alpha, which was

the patrols target was not logged in the battalion's operation log, but the armed robbery and subsequent tasking to the bank that had been looted were.

Contributing factors:

It became evident that Corporal Melio was not wearing his flak jacket or his Kevlar once the patrol was in place. This fact was confirmed by the location of the corporal's wounds, the fact that there was very limited blood on his flak jacket and from observation by his squad leader and others. Sergeant [REDACTED] in fact found the jacket, with SAPI plates in place, laying approximately 15 feet from the Marine's body. Additionally, the snipers indicated that their target was smoking. Corporal Melio smokes according to his platoon commander and squad leader. Finally, on examination, it is clear that the Corporal's weapon would have been oriented toward the Main's building and that he would have to lean out to look down the alley to cover his quadrant. Both the weapons aspect and the action of looking down the road are confirmed as those observed by the sniper team on the roof.

All of these factors - lack of recognizable gear, an individual smoking, the fact that the individual was alone and finally that he was armed -- were repeated by the members of the team when they described their target as a male, wearing a plaid shirt, no helmet, looking down the alley and smoking.

A discrepancy in the investigation was the mixed information from the Bravo Company chain of command and Sgt [REDACTED] with respect to the patrols positioning itself on the mosque. Captain [REDACTED] and 1stLt [REDACTED] both insisted that they were of the opinion that the patrol was on adjacent buildings vice the mosque. In fact, Lt [REDACTED] stated that Sgt [REDACTED] had been specifically instructed via the radio to stay off the Mosque after it became clear that the patrol was in close proximity. This discrepancy can be explained by the nature of the building complex that I visited the next day.

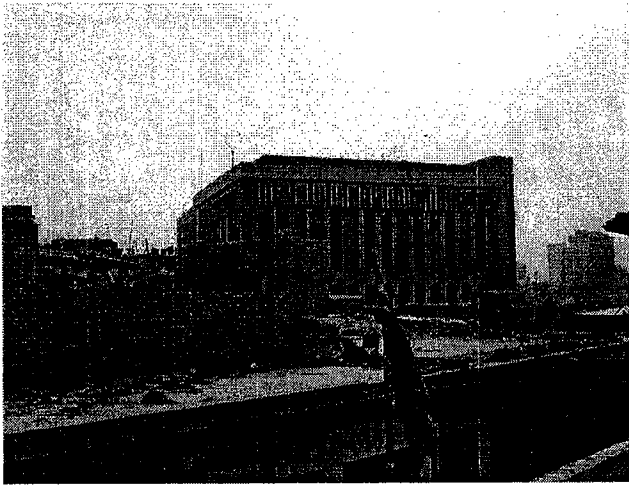
Essentially the "mosque" is approximately a 15' square building completely integrated into the surrounding buildings, all of which were connected and of mud brick construction. The building is adjacent to a courtyard that was approximately 15' by 20' and which was surrounded on the other two sides by buildings whose rooflines were roughly on the same level as the "mosque." The only discernible religious aspect of the area was a green dome on the building approximately 5 feet in diameter.

This dome is why the platoon labeled the building a mosque. The building is not on any maps. Given the proximity of at least two other major mosques within 200 meters of the area, it seems more likely that the place was a community-gathering place for the locals. Additionally, there was only one entrance, which does not hold with the typical arrangement of separate entrances for men and women.

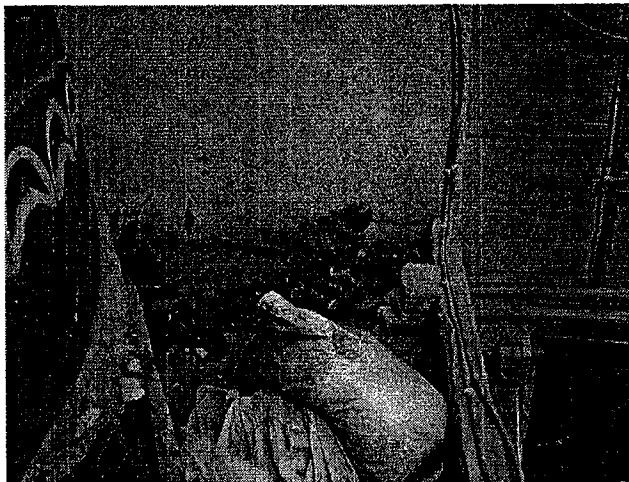
In fact, the building was designated as a hideout for Fedayeen by the locals who indicated approximately 5 armed men used the place (which was strewn with garbage and waste, again indicating it was not a religious site) as a hideout at night. Additionally, the squad was arrayed on the adjacent buildings, with the exception of Corporal Mileo, who was on the actual roof where the green dome was. Unfortunately, only Corporal Melio was visible from the roof where the snipers were located.

The attached pages are pictures of the area in question.





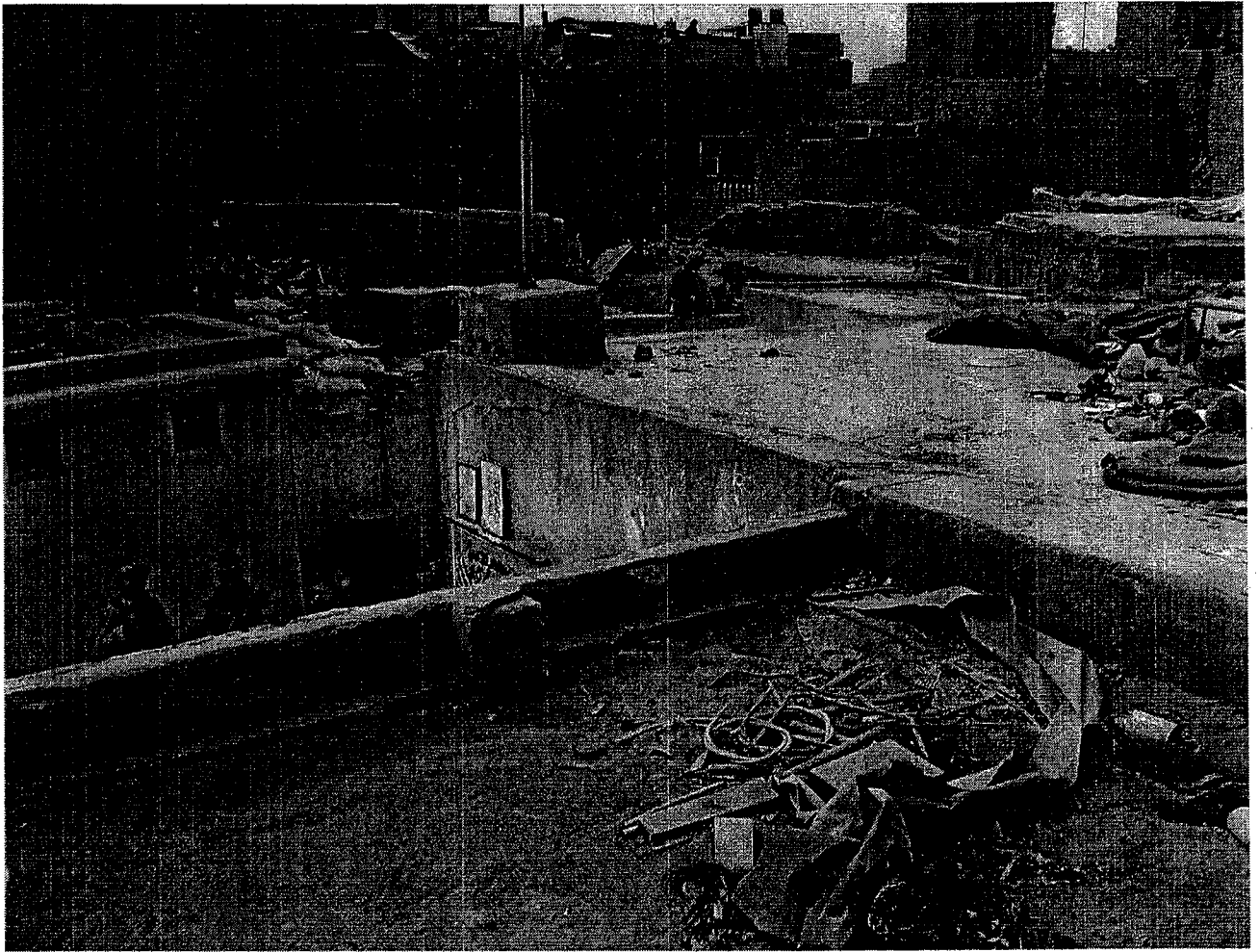
View from hide position,
clearly showing Main
building.



Hide position used by Cpl
Melios (behind Dome)



View down alley way



View toward adjacent roofs and squad locations

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FOIA EXEMPTION
(b)(1) & (b) (2)

SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)

FULL NAME (ACCUSED/SUSPECT)	SSN	RATE/RANK	SERVICE (BRANCH)
[REDACTED]	[REDACTED]	O-3/CAPT	USMC
ACTIVITY/UNIT			DATE OF BIRTH
Company Commander / B Co 3/4			[REDACTED]
NAME (INTERVIEWER)	SSN	RATE/RANK	SERVICE (BRANCH)
ORGANIZATION		BILLET	
LOCATION OF INTERVIEW		TIME	DATE

RIGHTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he warned me that:

(1) I am suspected of having committed the following offense(s): Viol of Art.

(2) I have the right to remain silent; -----

(3) Any statement I do make may be used as evidence against me in trial by court-martial, -----

(4) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both; and -----

(5) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview. -----

WAIVER OF RIGHTS.

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that, -----

(1) I expressly desire to waive my right to remain silent; -----

(2) I expressly desire to make a statement; -----

(3) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to any questioning; -----

(4) I expressly do not desire to have such lawyer present with me during this interview; and -----

(5) This acknowledgment and waiver of rights is made freely and voluntarily by, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me. -----

SIGNATURE (ACCUSED/SUSPECT)	TIME	DATE
/s/ [REDACTED]	1737	4-15-03
SIGNATURE (WITNESS)	TIME	DATE
/s/ [REDACTED]	1737	4-15-03
SIGNATURE (WITNESS)	TIME	DATE
/s/ [REDACTED]	1737	4-15-03

The statement which appears on this page (and the following _____ page(s), all of which are signed by me), is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me

4-14-03

20:06

I Captain [REDACTED] [REDACTED], Commanding officer of Bravo Co. 1st Tank Bn, Attached to 3rd Bn 4th Marines make this statement about the facts relating to the Death of Cpl Mike. We received human intelligence reports from local Iraqi citizens that Saddam's forces used an abandoned mosque close to our defense position to lay over night. We had sent several patrols out based on similar human intelligence reports and enjoyed good results based on a good percentage (over 50%). I decided to set an Ambush Patrol out to kill or capture enemy men who entered the mosque after nightfall. I decided that a six man Ambush would be sufficient and, in case of trouble, Stanley by if the Ambush was compromised or ran into trouble. We had several patrols sent out during the day. Also we had been tasked with a couple other missions. I sent a reinforced 2nd platoon with a section of tanks to guard an ASP (enemy) and an electrical power generating station. A platoon was sent to investigate an enemy battery, and also guard a bank that was transferring cash to a more secure area. The Patrol went out shortly before dark and reported its report. I was operating all of these patrols from my COC based only a few 100 meters from the Ambush patrol. I called "Green Striker" the Ambush patrol call sign and asked them their status after reporting their last report, report Alpha. They responded that they were set in the mosque. I was concerned that the mosque was too dark for them to positively ID enemy personnel entering their position. We had decided earlier that they would set up on the roofs of the adjacent buildings. I directed them to exit the mosque and get set on the buildings overlooking the entrance.

Team Striker reported affirmative, I called a few min. later to check up on them and they reported being set on the roof. I did not confirm which building they had set up on. I asked for a posrep and waited several min. Then called back asking for a grid to their pos. During this period of time I heard automatic weapons firing and called all of my southern patrols if they were in contact. Both patrols replied negative contact. Within 5-10 min after the last posrep which was 11c vpt Alpha, I heard both BW and Co TAC send off some several transmissions. 1st was a report from Bounty Hunter that they had engaged an enemy element on a building east of their pos. Almost simultaneously my Ambush patrol reported a impact (small arms) in their pos. I asked if they had any casualties and their response was negative. I tried to raise Bounty Hunter on En TAC several times and could not get them to answer up. I then called Darkside (on En TAC) and asked if they had come up Bounty Hunter. Darkside main called a couple of times with negative com w/ Bounty Hunter (Force Recon). The BW S-3 called for weapons (a under Callaghan Whiskey [redacted] and they started a couple of transmissions. After 15-20 sec I broke in and requested positive com or location of Bounty Hunter. It was @ this point that Team Striker called via a casualty rep. They reported a man down w/ no pulse. I sent my QRF out to do an immediate FASEvac for Striker. Several transmissions between BW & Co TAC getting me some info. I turned the radios over to my XO and asked him what he'd send out a patrol report to IN. I asked several times and my XO said he had.

reported the Patrol three hours before. I then left my car
to walk 150-200 meters to BN main to find out what was
going on.

Capt

10-11-68

SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)

FULL NAME (ACCUSED/SUSPECT)	SSN	RATE/RANK	SERVICE (BRANCH)
[REDACTED]	[REDACTED]	E-5 SGT	USMC
ACTIVITY/UNIT			DATE OF BIRTH
3-4 India 3RD			[REDACTED]
NAME (INTERVIEWER)	SSN	RATE/RANK	SERVICE (BRANCH)
1st LT [REDACTED]	[REDACTED]	02/1st Lt	USMC
ORGANIZATION		BILLET	
3-4		LEGAL OFF	
LOCATION OF INTERVIEW		TIME	DATE
MB 445 B86		1900	14 APR 03

RIGHTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he warned me that:

(1) I am suspected of having committed the following offense(s): Viol of Art. 134

(2) I have the right to remain silent; - - - - -

(3) Any statement I do make may be used as evidence against me in trial by court-martial, - - - - -

(4) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both; and - - - - -

(5) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview. - - - - -

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that, - - - - -

(1) I expressly desire to waive my right to remain silent; - - - - -

(2) I expressly desire to make a statement; - - - - -

(3) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to any questioning; - - - - -

(4) I expressly do not desire to have such lawyer present with me during this interview; and - - - - -

(5) This acknowledgment and waiver of rights is made freely and voluntarily by, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me. - - - - -

SIGNATURE (ACCUSED/SUSPECT)	TIME	DATE
/s/ [REDACTED]	2200	030414
SIGNATURE (INTERVIEWER)	TIME	DATE
/s/ [REDACTED]	2100	030414
SIGNATURE (WITNESS)	TIME	DATE
[REDACTED]	2100	0030614

The statement which appears on this page (and the following ___ page(s), all of which are signed by me), is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

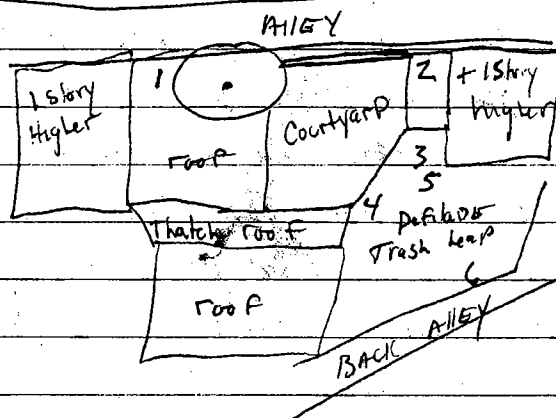
Enclosure(5)

██████████ SGT 3/4 India SQUAD LEADER

██████████
Helmets w/ 14D, FIAC Jacket w/ SAPL Plates, Desert Cammies, M16A2
w/ HVRIS 17B + PLEQ ZA

M160 Desert Cammies, M16A2 w/ Z03 + Aimpoint w TB on top

MISSION - Sit on the Roof of the green Dome Mosque in an ambush. Shoot
Armed Iraqis, Apprehend Unarmed Iraqis



1. Cpl M160

2. Cpl ██████████

3. PFC ██████████
Lyle

4. Cpl ██████████

5. SGT ██████████

6. L CPL ██████████

WE Entered the Court Yard + cleared the immediate rooms on the inside.
Then we made our way to the roof from inside the Courtyard. I placed
Lyle ██████████, Cpl ██████████, Capt PFC ██████████ I saw Cpl ██████████ take a good
pos + saw Cpl Mikes shimming along a outer wall 4in in width.
He walked the roof top and came over + asked where he should set in.
I told him towards the front Alley to cover the left side. About 30 min
later I see Mikes without his Plate + helmet carrying a large Sand bag.
I heard a lot of ruckus. Then he was set. I Did not feel I needed
to compromise my position by telling for him to put his Plate + helmet on.
I also had faith in his tactical ability to pick his position.

Enclosure (5)

A hand-drawn diagram of a cross-section of a shell, likely a bivalve. The diagram is a rectangle with a large circle in the center. Labels with arrows point to various parts: "Sandbags" at the top, "Grenade helmet" on the left, "Flank Jacket" on the right, "Gpl. miled kn" on the bottom left, and "Tharut" at the bottom. The central circle has a small dot in the middle.

[REDACTED] Gpl
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED] SGT [REDACTED]

U.S.M.C.

0304/4 2039

SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)

FULL NAME (ACCUSED/SUSPECT)		RATE/RANK	SERVICE (BRANCH)
[REDACTED]		E-4 CPL	USMC
ACTIVITY/UNIT		DATE OF BIRTH	
3/4 I. CO. 3RD PLT		[REDACTED]	
NAME (INTERVIEWER)		RATE/RANK	SERVICE (BRANCH)
1ST LT. [REDACTED]		1st Lt/02	USMC
ORGANIZATION		BILLET	
3/4		LEGAL OFFICER	
LOCATION OF INTERVIEW		TIME	DATE
MB 445 886		1900	14 APR 08

RIGHTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he warned me that:

(1) I am suspected of having committed the following offense(s): Viol of Art. 134

(2) I have the right to remain silent; - - - - -

(3) Any statement I do make may be used as evidence against me in trial by court-martial, - - - - -

(4) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both; and - - - - -

(5) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview. - - - - -

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that, - - - - -

(1) I expressly desire to waive my right to remain silent; - - - - -

(2) I expressly desire to make a statement; - - - - -

(3) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to any questioning; - - - - -

(4) I expressly do not desire to have such lawyer present with me during this interview; and - - - - -

(5) This acknowledgment and waiver of rights is made freely and voluntarily by, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me. - - - - -

SIGNATURE (ACCUSED/SUSPECT)	TIME	DATE
/s/ [REDACTED]	1705	030414
SIGNATURE (WITNESS)	TIME	DATE
/s/ [REDACTED]	1930	030414
SIGNATURE (WITNESS)	TIME	DATE
/s/ [REDACTED]	1930	030414

The statement which appears on this page (and the following ____ page(s), all of which are signed by me), is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

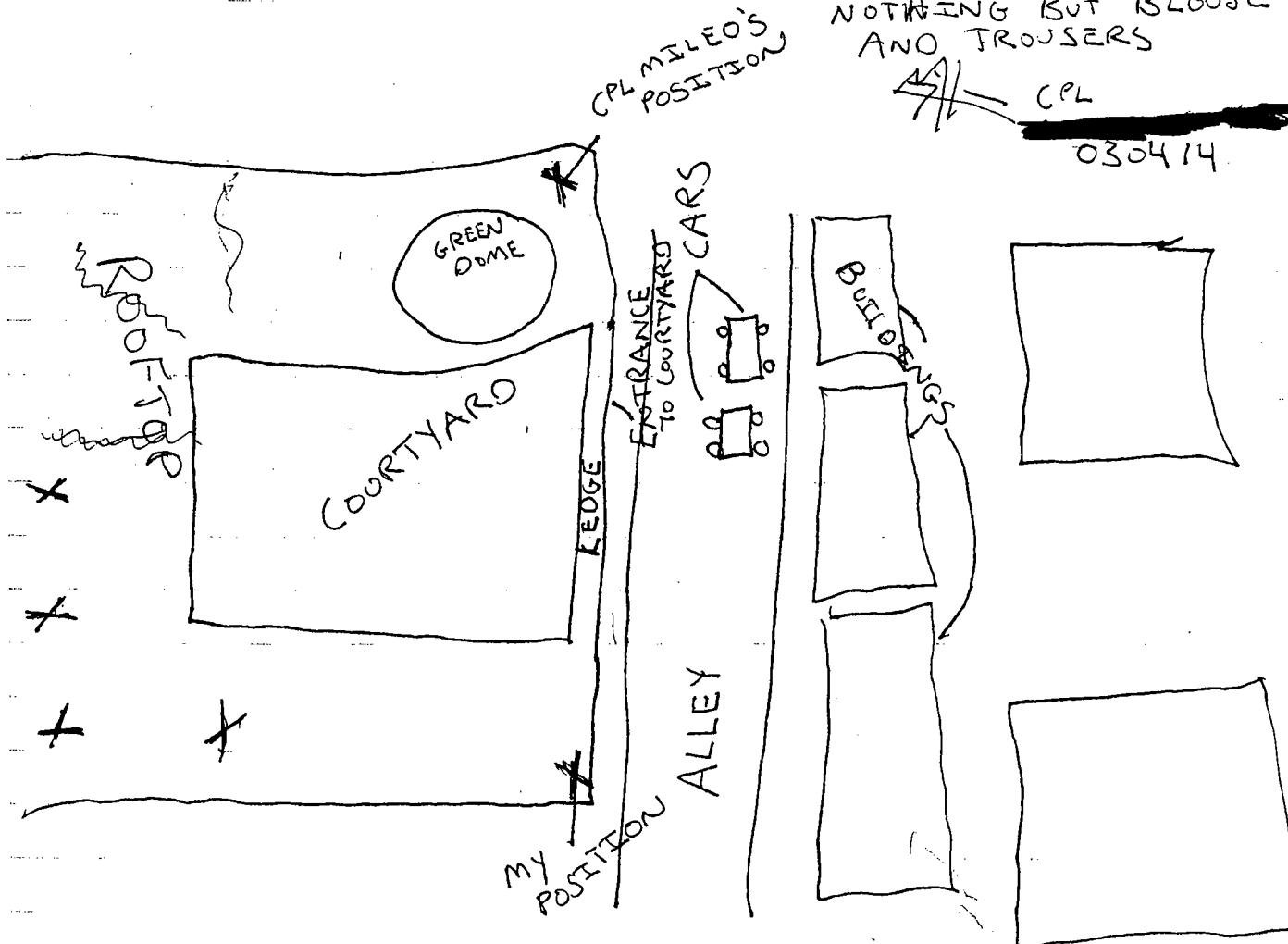
11

Enclosure (1)

- CPL [REDACTED] TEAMLEADER, I 30 PT
M16, FLAK W/ NO SAPI PLATES, KEVLAR, CAMELBAK.
- CPL MILEO HAD 203 FLAK & KEVLAR BUT MUST
HAVE TAKEN IT OFF.
- OUR MISSION WAS TO SET UP AN AMBUSH ON
ROOF OF BUILDING WHERE ENEMY HAS BEEN
FIRING AT US THE PREVIOUS 2 DAYS.

I WAS ON THE ROOF ACROSS FROM CPL MILEO.
I COULD SEE WHERE HIS POSITION WAS BUT
HE WAS STANDING IN A SHADOW. ~~TOO DARK~~
NVG'S WERENT VERY USEFUL B/C OF A STREETLIGHT
IN THE ALLEY I WAS COVERING HIS SIX AND
HE WAS COVERING MINE THE REST OF THE SQUAD
WAS BEHIND US. I HEARD THE SHOT AND
THOUGHT CPL MILEO HAD SHOT BUT I DIDNT
SEE A MUZZLE FLASH AND WE HAD NO COMM
WITH HIM. I HEARD HIM GASP FOR AIR
BUT THERE WERE PEOPLE IN THE ALLEY BELOW
US AND I THOUGHT AN IRAQIE HAD BEEN HIT
AND WENT IN HIS HOUSE. OUR R.O. ~~CA~~ TOLD
ME ON THE P.R.R. A SNIPER HAD FIRED
AND IT IMPACTED CLOSE TO US. AFTER ABOUT
A MINUTE I STARTED WORRYING B/C I COULONT
SEE MOVEMENT WHERE CPL MILEO HAD BEEN
I CALLED SGT [REDACTED] AND SAID "THAT
SHOT COULONT HAVE HIT MILEO COULD IT?"
AND HE TOLD ME TO GO MAKE SURE
HE WAS ALRIGHT I WENT AROUND TO

THE BACK OF THE BUILDING AND JUMPED
 3 ROOFS TO THE ROOF HE WAS ON WHEN I
 WALKED UP HIS RIFLE WAS LEANING AGAINST
 THE BIG GREEN DOME I CALLED HIS NAME
 BUT NOONE ANSWERED I LOOKED AROUND THE
 CORNER AND SAW HIM LYING IN THE SHADOWS
 I TOLD THEM OVER THE RADIO MILEO WAS
 DOWN AND CHECKED FOR A PULSE BUT THERE
 WASNT ONE. I TOLD THEM THERE WAS NO
 PULSE AND SGT [REDACTED] CALLED A MEDICAL.
 CPL MILEO ~~WAS DEAD~~ WAS ONLY WEARING HIS
 CAMMIES WHEN I FOUND ~~HE~~ HIM. NO KEVLAR
 NOTHING BUT BLOUSE
 AND TROUSERS



SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)

FULL NAME (ACCUSED/SUSPECT)	SSN	RATE/RANK	SERVICE (BRANCH)
[REDACTED]	[REDACTED]	E-2/PFC	USMC
ACTIVITY/UNIT			DATE OF BIRTH
3/4 1 CO. 3RD PLT.			[REDACTED]
NAME (INTERVIEWER)	SSN	RATE/RANK	SERVICE (BRANCH)
[REDACTED]	[REDACTED]	O2/1st Lt	USMC
ORGANIZATION		BILLET	
3/4		LEGAL OFFICER	
LOCATION OF INTERVIEW	TIME	DATE	
MB 4/5 886	1900	14 APR 03	

RIGHTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he warned me that:

(1) I am suspected of having committed the following offense(s): Viol of Art. 134

(2) I have the right to remain silent; -----

(3) Any statement I do make may be used as evidence against me in trial by court-martial, -----

(4) I have the right to consult with lawyer counsel prior to any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to act as my counsel without cost to me, or both; and -----

(5) I have the right to have such retained civilian lawyer and/or appointed military lawyer present during this interview. -----

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that, -----

(1) I expressly desire to waive my right to remain silent; -----

(2) I expressly desire to make a statement; -----

(3) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me prior to any questioning; -----

(4) I expressly do not desire to have such lawyer present with me during this interview; and ---

(5) This acknowledgment and waiver of rights is made freely and voluntarily by, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.-----

SIGN	TIME	DATE
/s/ [REDACTED]	1718	030415
[REDACTED]	1900	03 04 15
SIG	TIME	DATE
[REDACTED]	1900	030415

The statement which appears on this page (and the following ____ page(s), all of which are signed by me), is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

Enclosure (7)

1. [REDACTED] PFC 3/4 Ico. 3rd Plt, MACHINE GUNNER

2. M249 SAW, FLAK JACKET, KEVLAR, 2 SAW DRUMS, BAYONET
CAMELBACK, 1 GRENADE, 14D, 17B

CORPORAL MILEO: M203, FLAK JACKET, KEVLAR,
BAYONET, AMMO, AIM POINT, 7B
CAMELBACK

3. WE RECEIVED INTEL THAT A BAND OF ARMED
MEN REPORTED TO A CERTAIN LOCATION AT
A CERTAIN PERIOD OF TIME, OUR MISSION
WAS TO MOVE INTO THAT LOCATION AND SET
UP AN AMBUSH FROM WITHIN THE SAID LOCATION.
OUR MISSION CALLED FOR STEALTH THUS
OUR [REDACTED]

4. MY POSITION WAS SET UP BEHIND COVER
AND CONCEALMENT WITH LITTLE VISIBILITY
SAVE SCANNING THE ROOFTOPS FOR
MOVEMENT. I COULD NOT SEE CPL MILEO
FROM MY SPOT. ABOUT AFTER AN HOUR
OR SO I HEARD A SHOT FOLLOWED BY
SCREAMING. FROM WHERE I WAS IT
SOUNDED LIKE AN IRAQI HAD BEEN
SHOT IN THE STREET. AFTER SOME TIME
HAD PASSED I REALIZED MY SQUAD
LEADER DID NOT HAVE COMM. WITH CPL
MILEO. CPL HORNE WAS SENT TO CHECK
HIS POS. CPL MILEO HAD BEEN HIT, AND
A MEDEVAC HAD BEEN CALLED.

Enclosure (7) →

[REDACTED]

PFC

3/4 1 CO. 3RD PLT.

SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)

FULL NAME (ACCUSED/SUSPECT)	SSN	RATE/RANK	SERVICE (BRANCH)
[REDACTED]	[REDACTED]	E-3	USMC
ACTIVITY/UNIT	DATE OF BIRTH		
3/4 India 3rd Plt.	[REDACTED]		
NAME (INTERVIEWER)	SSN	RATE/RANK	SERVICE (BRANCH)
LT [REDACTED]	[REDACTED]	02/1st Lt	USMC
ORGANIZATION	BILLET		
3/4	LEGAL OFF		
LOCATION OF INTERVIEW	TIME	DATE	
MB 445 886	22:00	041403	

RIGHTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, he warned me that:

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M.S.R

SIGNATURE (ACCUSED/SUSPECT)	TIME	DATE
[REDACTED]	1707	041403
SIGNATURE (INTERVIEWER)	TIME	DATE
[REDACTED]	1940	041403
SIGNATURE (WITNESS)	TIME	DATE
[REDACTED]	1940	041403

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Team Stryker

Lcpl [REDACTED]
3/4 India 3rd Plt
RTO

[REDACTED] M-16, Flak, Kevlar, Stry Plates, Radio

Cpl Mileo - M203, [REDACTED] Flak, Kevlar,

Our Mission was to set in within the Max on rooftops
To ambush personnel that made entry

10 min prior to round impact I was set in on the roof
on the opposite side of Cpl Mileo. I was covering our six on
the backside approximately 30 meters away. I had eyes on
the other 5 in the patrol. We were set in and there
appeared to be no one moving around. The ~~shot~~ shot was
fired and we heard it impact close. Over the PR we asked
each other if we saw where it came from. Everybody
Roger'd up that it was possibly our own snipers. Cpl Mileo
did not have a PR. So Cpl [REDACTED] went to check on him. It took
him a few minutes to climb up and over to Cpl Mileo's pos.
In those few mins (5) I had comm with Black [REDACTED] he ask if we had
made contact. Me, "Negative" Black [REDACTED] - "Roger stay low because
Snipers see enemy right on top of you, Me - Roger - Black [REDACTED]
"Do you have any casualties, Me - Wait one. By this
Time Cpl [REDACTED] made it to Cpl Mileo and saw he was down.
He said He didn't have a pulse and I called for Medevac.

Lcpl [REDACTED]
030414

SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)

FULL NAME (ACCUSED/SUSPECT)	SSN	RATE/RANK	SERVICE (BRANCH)
[REDACTED]	[REDACTED]	E-4/CPL	Marines
ACTIVITY/UNIT			DATE OF BIRTH
3/4 BATT CO 3rd PLT			[REDACTED]
NAME (INTERVIEWER)	SN	RATE/RANK	SERVICE (BRANCH)
LT [REDACTED]	[REDACTED]	+LT	Marines
ORGANIZATION		BILLET	
3/4		LOCAL OFFICER	
LOCATION OF INTERVIEW	TIME	DATE	
MB 445 886	2200	041703	

RIGHTS

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SIGNATURE (ACCUSED/SUSPECT)	TIME	DATE
[REDACTED]	1707	041903
SIGNATURE (INTERVIEWER)	TIME	DATE
[REDACTED]	1900	041403
SIGNATURE (WITNESS)	TIME	DATE
[REDACTED]	1900	041403

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~~██████████~~
CPL 3/4 I co 3rd PK

Point man/Nauman

M203 Flak, Helmet, 203 leg brace, PRR, Peg 2A, 14Q knee pad, No gap plates
~~Flak~~ CPL. Mileo Flak helmet, M203 aim point scope but most of taken
it off

Set out to enter Green Dome, get on roof 2100 hours ~~██████████~~
men with ~~██████████~~

~~1845~~ 1845
~~15~~ minutes prior to the ^{shoot} ~~shoot~~ CPL ~~██████████~~ Mileo moved to the
other side of the dome. We all were in a covered position
somewhat. Once we heard the shoot I put my head down in the
sand. LCpl ~~██████████~~ called over to Black ~~██████████~~ to find out about the
gun fire. They said there is enemy all around us. So stay
down, as order we did, then we did a Ace. I gave the
Grid 447887. to the RO. CPL ~~██████████~~ went to check on CPL Mileo
so he had to go across other roof tops. Since he had no PRR. Once
he reached Mileo ~~██████████~~ yelled he is hit, no pulse, it is in
the kidney. Sgt ~~██████████~~ ran over there ~~██████████~~ called over the Radio
I pulled ~~██████████~~ back, for cover so he could look at the
ally. ~~██████████~~ Lc Myself ~~██████████~~ ran to the street
put a I.B chemlite out. put up security. Top cam in
the Humvee and took CPL Mileo. We patrolled back
My line of sight was good. I could see in the Building
~~360~~ degrees 360° cover. I was also able to see the
Building that the snipers are in. He was in a good cover

Enclosure (9)

That's all I really can think off at this time,


CPL 

091403

SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT (See JAGMAN 0170)

FULL NAME (ACCUSED/SUSPECT) [REDACTED]	SSN [REDACTED]	RATE/RANK [REDACTED] LT	SERVICE (BRANCH) USMC
ACTIVITY/UNIT [REDACTED]			DATE OF BIRTH [REDACTED]
NAME (INTERVIEWER) LT [REDACTED]	SSN [REDACTED]	RATE/RANK [REDACTED]	SERVICE (BRANCH) [REDACTED]
ORGANIZATION [REDACTED]		BILLET [REDACTED]	
LOCATION OF INTERVIEW BAGHDAD, IRAQ		TIME 1200 ZULW	DATE 15 MAR 2003

RIGHTS

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SIGNATURE (ACCUSED/SUSPECT) /s/ [REDACTED]	TIME 1735 ZULW	DATE 15 MAR 2003
SIGNATURE (INTERVIEWER) /s/ [REDACTED]	TIME 1735	DATE 15 APR 2003
SIGNATURE (WITNESS) /s/ [REDACTED]	TIME 1735	DATE 15 APR 2003

The statement which appears on this page (and the following 0 page(s), all of which are signed by me), is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

[REDACTED] Enclosure (10)

STATEMENT BY 1ST LT [REDACTED] USMC [REDACTED] 1802

At 1600 Zulu on 14 April 2003, I received a pre-patrol brief by 2ND LT [REDACTED]. The mission he briefed to me involved two separate objectives. The first objective was to establish a 6-man ambush near a Mosque approximately 350 meters Northeast of our compound. The second action was a mechanized patrol to the Southeast of our compound.

I called Darkside to report that our ambush team would be leaving at 1615 Zulu. The information I transmitted to Darkside included the grid location of the Mosque. The information was sent as "the patrol will leave enroute to Check Point Alpha (the Mosque) at grid 447887. They will depart at 1630 Zulu." Darkside responded with, "Roger Bravo [REDACTED] copy all, Darkside out."

Before either patrol left, Darkside [REDACTED] called to request a squad of infantry at a bank 2 km to the Southeast of our compound. We rerouted our diversion patrol to that location — the bank — and decided to send the ambush patrol out as well. Both patrols left our compound at 1630.

At approximately 1700Z we received a radio transmission that the ambush patrol was set inside the Mosque. We told the patrol

they were 1-10 to 1-12 buildings adjacent to the Mosque so they could see anyone attempting to enter using the ambient light. They responded that they would comply.

The rest of the evening we maintained contact through radio checks. Everything was normal, no enemy contact. At 1930 zulu we received a transmission that they had taken fire from our compound and had one KIA. We sent a hard-back HUMVEE. At 2012 zulu our humvee returned with all the Marines who had been at the ambush site and Cpl Milo was turned over to the BN Aid Station.

[REDACTED]
[REDACTED]
1st LT [REDACTED]

ADDITIONAL INFORMATION: After consulting with SSgt [REDACTED] and Master Sergeant [REDACTED] who responded to the medevac, the time of the medevac was approximately 1830 zulu time. The Marine was handed over to BAS prior to 1900 zulu.

142040ZAPR03

From: 1STLT [REDACTED] / 030Z USMC
To: CAPT [REDACTED]

SUBJ: FORCE RECON ENGAGEMENT EAST OF MB 445886.

I POSTED AS 3/4 BATTLE CAPTAIN AT 1700Z. I WAS AWARE OF A BRAVO CONVOY TO A BANK, BUT DID NOT KNOW OF A DISMOUNTED PATROL IN OUR SECTOR FROM BRAVO. AT 1819, FORCE RECON RADIOS ON BN TAL I AN ENGAGEMENT OF ONE ENEMY DISMOUNT 100M EAST OF MB 445886. BRAVO [REDACTED] IMMEDIATELY FOLLOWS MESSAGE INFORMING DARKSIDE IT HAS A PATROL IN THAT AREA AND HAS INSTRUCTED PATROL TO HALT UNTIL VERIFY WHO THE SHOOTER ON THE ROOF IS ENGAGING. BOTH BRAVO [REDACTED] AND DARKSIDE ATTEMPT COMM WITH RECON. BRAVO [REDACTED] VERIFIES TO DARKSIDE HIS PATROL VIC MB 447887 NEAR THE MOSQUE. AT 1829, BRAVO [REDACTED] CALLS FOR CASEVAC, INFORMS DARKSIDE THAT CASUALTY HAS NO PULSE. AT 1859, CASUALTY EVALUATED AS KIA BY FAS. I WAS INSTRUCTED BY DARKSIDE [REDACTED] TO CHECK CASUALTY GEAR FOR SAPT PLATES. BOTH FRONT AND REAR PLATES IDENTIFIED IN FLAK JACKET.

[REDACTED]

Enclosure (11)

AT approximately 1730 Zulu, SSgt [REDACTED] and I assumed our position on the East corner of the building. We discussed the evening's activity with a designated marksman who prior to our arrival occupied the same side of our building. Only enemy activity was mentioned. We were not passed mention/knowledge of friendly patrols in the area of operation. AT approximately 1830 Zulu mg. attention was drawn to a unknown male on top of a building 145 yards away/ 62 degrees magnetic. The unknown was occupying a position on top of a mosque (green) which we had observed the day prior and suspected of enemy activity. We continued to observe the unknown for approximately 20-25 minutes. The unknown was not wearing any type of military gear. The unknown was smoking. AT approximately 1850 Zulu there was a gun fight 1 alley west of the unknown's position. Our attention was drawn to the gun fight. We could not observe the gun fight due to obstacles. AT approximately 1900 Zulu we returned our attention back to the unknown. We observed and confirmed that he had a weapon and it was orientated towards the friendly position we occupied. The unknown ~~was~~ began to stand and was engaged. [REDACTED]

Respectfully Submitted

SSgt [REDACTED]
[REDACTED]
[REDACTED]

3/6 At approx 17:30 Ssgt [REDACTED] and I occupied sniper POS on top of the C.P. Building. Upon arriving at our POS we had been observing from the last three nights we met another observation Tm. that was there before us, we discussed the Enemy sit in the A.O, nothing was mentioned of a Friendly Patrol in the A.O. At Approx

3/6 18:30 Ssgt [REDACTED] spotted an unknown male on top of one of the Building at 62° and 145 Yards from our POS. we observed Him for about 20 to 30 min. the Building he was on was a mosque and was under observation the prior day for enemy activity. The unknown was wearing no military Gear and was smoking. At Approx 18:50 there was a Gun fight the next Alley over, we could not engage due to trees in our Field of View. Once the Gun Fight was over we turned our attention back to the Individual on the Roof we observed Him for Approx 12 more minutes until both the spotter and I positively I.Ded a weapon both agreed and Individual was engaged, Individuals weapon was orientated toward the C.P. Building the entire time

3/6

R/S SSGT [REDACTED]

160730Z APR 03
BAGHDAD, IRAQ

FROM: FIRST LIEUTENANT [REDACTED] 12302
TO: INVESTIGATING OFFICER
SUBJ: CIRCUMSTANCES SURROUNDING SNIPER ENGAGEMENT
OF FRIENDLY PATROL ON 14 APRIL 2003.

I HEREBY SUBMIT THIS VOLUNTARY STATEMENT REGARDING
THE EVENTS OF 14 APR 03. I HAVE READ AND UNDERSTAND
~~ALL ORDERS~~ MY RIGHTS UNDER ARTICLE 31B OF THE UCMJ.

I SERVED AS BATTLE CAPTAIN (BATTALION WATCH
OFFICER) FROM 1400Z TO 1700Z THAT DAY. IT WAS
A BUSY DAY, WITH NUMEROUS PATROLS DISPATCHED BY
THE COMPANIES, AS WELL AS URGENT RESPONSES
TO LOOTING, ROBBERY, SHOOTING, AND OTHER SECURITY
CONCERNS. AT APPROXIMATELY 1620Z, BRAVO COMPANY
CALLED TO NOTIFY THAT THERE WERE PROBLEMS
AT A NEARBY BANK, AND THAT THEIR QUICK REACTION
FORCE WAS BEING DEPLOYED THERE. TO THE
BEST OF MY KNOWLEDGE, THAT WAS THE ONLY PATROL
~~OUT~~ OF BRAVO COMPANY OUT AT THE TIME.

AS I RECALL, THERE WERE NO LOCAL AMBUSH
PATROLS DISPATCHED IN THE VICINITY OF OUR POSITION.
AT APPROXIMATELY 1700Z, I WAS RELIEVED AS
BATTLE CAPTAIN BY [REDACTED].

[REDACTED]